

Arizona Administrative Register
Notices of Proposed Rulemaking

R6-5-5834	New Section
R6-5-5835	New Section
R6-5-5836	New Section
R6-5-5837	New Section
R6-5-5838	New Section
R6-5-5839	New Section
R6-5-5840	New Section
R6-5-5841	New Section
R6-5-5842	New Section
R6-5-5843	New Section
R6-5-5844	New Section
R6-5-5845	New Section
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R6-5-5847	New Section
R6-5-5848	New Section
R6-5-5849	New Section
R6-5-5850	New Section

2. **The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 41-1003, 41-1073, 41-1954(A)(3), 46-134(12), and 8-503

Implementing statutes: A.R.S. §§ 8-503, 8-504, 8-506, 8-509, and 46-141

3. **The name and address of the agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Vista Thompson Brown

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

Since at least 1939, Arizona has licensed family foster homes. The current rules were adopted in May 1981 to update prior requirements for the licensing of safe homes and qualified substitute parents to care for children who are at risk of being or who have been abused, neglected, or exploited. In this rulemaking package, the Department is adopting a new, comprehensive set of rules to govern licensing requirements for family foster parents. These new requirements reflect updated safety and sanitation guidelines for the foster home and updated qualifications for the foster parents who are required to care for an increasingly difficult population of children. The new rules will be consistent with current federal and state authority and with current program policy and practice. The new rules contain a comprehensive set of definitions and also describe the administrative process for licensure.

5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.**

Not applicable.

6. **The preliminary summary of the economic, small business, and consumer impact:**

There will be minimal economic impact on small businesses as the rules do not significantly change the requirements for private agencies who recruit, train, and monitor foster parents. The impact on foster parent applicants and licensees will be minimal as the underlying substantive requirements are unchanged from current policy and practice. The rules themselves have been updated to include new language and to reflect practice standards that have occurred during the past 15 years.

7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Vista Thompson Brown

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

8. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

A person may submit written comments on the proposed rules or economic impact statement by submitting the comments to the person specified in question #3 no later than the close of record, which is scheduled for Friday, August 16, 1996, at 5 p.m.

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Oral proceeding are scheduled as follows:

PHOENIX: DISTRICT I:

Date: August 15, 1996
Time: 1:30 p.m.
Location: DES Conference Room
815 North 18th Street
Phoenix, Arizona

Coordinating Program Manager: Vince Ornelas (602) 255-3722

TUCSON: DISTRICT II:

Date: August 15, 1996
Time: 1:30 p.m.
Location: DES Conference Room
400 West Congress #420
Tucson, Arizona

Coordinating Program Manager: Henry Granillo (520) 628-6810

FLAGSTAFF: DISTRICT III:

Date: August 15, 1996
Time: 1:30 p.m.
Location: DES Conference Room
220 North LeRoux
Flagstaff, Arizona

Coordinating Program Manager: Pam Estrella (520) 779-2731, ext. 238

YUMA: DISTRICT IV:

Date: August 15, 1996
Time: 1:30 p.m.
Location: DES Conference Room, Suite 232
350 West 16th Street
Yuma, Arizona

Coordinating Program Manager: Tim Acuff (520) 782-4343

CASA GRANDE: DISTRICT V:

Date: August 15, 1996
Time: 1:30 p.m.
Location: DES Conference Room
2510 North Trekell
Casa Grande, Arizona

Coordinating Program Manager: Dan Van Kuren (520) 723-4151

BISBEE: DISTRICT VI:

Date: August 15, 1996
Time: 1:30 p.m.
Location: DES Conference Room
209 Bisbee Road
Bisbee, Arizona

Coordinating Program Manager: David Gibbs (520) 428-7702

The Department of Economic Security (DES) follows and supports Title II of the Americans with Disabilities Act. The Department of Economic Security does not discriminate against persons with disabilities who wish to make oral or written comments on

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the proposed rulemaking or otherwise participate in the public comment process. Persons with disabilities who need accommodation (including auxiliary aids or services) to participate in the above-scheduled hearings may contact the coordinating program managers identified above, at least 72 hours before the scheduled hearing, to request accommodation. To request accommodation to participate in the public comment process or to obtain this notice in large print, Braille, or on audiotape, contact Vista Thompson Brown at (602) 542-6555, P.O. Box 6123, Site Code 837A, Phoenix, Arizona 85005; TDD Relay (800) 367-8939.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules.
Not applicable.
10. Incorporation by reference and their locations in the rules:
R6-5-5841
11. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

ARTICLE 58. FAMILY FOSTER HOME LICENSING
STANDARDS

ARTICLE 58. FAMILY FOSTER PARENT LICENSING
REQUIREMENTS

- R6-5-5801. Definitions
R6-5-5801. Definitions
R6-5-5802. Requirements of initial licensing
R6-5-5802. Application for Initial License
R6-5-5803. Requirements for re-licensing
R6-5-5803. Investigation of the Applicant
R6-5-5804. Standards of child care
R6-5-5804. Inspection of the Foster Home; DHS Inspection Report
R6-5-5805. Responsibilities to Department or placing agency
R6-5-5805. Investigative Report and Licensing Recommendation
R6-5-5806. Denial, suspension, or revocation of license
R6-5-5806. Complete Application Package: Contents
R6-5-5807. Waiver of licensing standards
R6-5-5807. CPSCR Check; Additional Investigation By Licensing Authority
R6-5-5808. License: Form; Issuance; Denial; Term; Termination
R6-5-5809. Provisional License
R6-5-5810. Application for License Renewal
R6-5-5811. Renewal Investigation; Licensing Report and Recommendation
R6-5-5812. Renewal License
R6-5-5813. Licensing Time Frames
R6-5-5814. Amended License; Change in Household Members
R6-5-5815. Monitoring the Foster Home and Family
R6-5-5816. Investigation of Complaints About a Foster Home
R6-5-5817. Licensing Authority Action on Complaints
R6-5-5818. Corrective Action
R6-5-5819. License Denial, Suspension, and Revocation
R6-5-5820. Adverse Action; Notice; Effective Date
R6-5-5821. Appeals
R6-5-5822. Alternative Methods of Compliance
R6-5-5823. Foster Parent: General Qualifications
R6-5-5824. Foster Parent: Personal Characteristics
R6-5-5825. Training and Development
R6-5-5826. Compliance With Licensing Limitations; Adult - Child Ratios
R6-5-5827. Placement Agreement

- R6-5-5828. Participation in Case Planning
R6-5-5829. Daily Care and Treatment of a Foster Child; Foster Child Rights
R6-5-5830. Medical and Dental Care
R6-5-5831. Child Care
R6-5-5832. Transportation
R6-5-5833. Behavior Management; Discipline; Prohibitions
R6-5-5834. Notification of Foster Child Death, Illness, Accident, Unauthorized Absence, or Other Unusual Events
R6-5-5835. Notification of Events or Changes Involving the Foster Family or the Foster Home
R6-5-5836. Maintenance of a Foster Child's Records
R6-5-5837. Confidentiality
R6-5-5838. Foster Home: General Requirements
R6-5-5839. Foster Home: General Safety Measures
R6-5-5840. Exterior Environment; Play Area; Play Equipment
R6-5-5841. Swimming Pools and Pool Safety
R6-5-5842. Bedrooms; Bedding; Sleeping Arrangements
R6-5-5843. Bathrooms
R6-5-5844. Kitchen
R6-5-5845. Fire Safety and Prevention
R6-5-5846. Emergencies, Exits, and Evacuation
R6-5-5847. Special Provisions for a Receiving Foster Home
R6-5-5848. Special Provisions for a Respite Foster Home
R6-5-5849. Special Provisions for an In-home Respite Foster Parent
R6-5-5850. Special Provisions for a Professional Foster Home

ARTICLE 58. FAMILY FOSTER HOME LICENSING STANDARDS

ARTICLE 58. FAMILY FOSTER PARENT LICENSING
REQUIREMENTS

- R6-5-5801. Definitions**
A: "Foster care". Substitute care for a child whose own family cannot provide care for a temporary or extended period of time. Foster care may be in a private family home, group foster home, or an institution.
B: "Licensed medical practitioner". Any doctor of medicine or osteopathic physician lawfully engaged in the practice of medicine pursuant to A.R.S. Title 32, Chapters 13 and 17.
C: "Respite care". The provision of care of an individual for the purpose of relieving the family, guardian, or foster family of the individual's care for short, specified periods of time.

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R6-5-5801. Definitions

In addition to the definitions contained in A.R.S. §§ 8-201, 8-501, and 8-531, the following definitions apply in this Article:

1. "Abuse" means the infliction or allowing physical injury, impairment of bodily function, or disfigurement, or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to A.R.S. § 8-223 and which is caused by the acts or omissions of an individual having care, [physical] custody and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to A.R.S. § 13-1404, sexual conduct with a minor pursuant to A.R.S. § 13-1405, sexual assault pursuant to A.R.S. § 13-1406, molestation of a child pursuant to A.R.S. § 13-1410, commercial sexual exploitation of a minor pursuant to A.R.S. § 13-3552, sexual exploitation of a minor pursuant to A.R.S. § 13-3553, incest pursuant to A.R.S. § 13-3608 or child prostitution pursuant to A.R.S. § 13-3212. A.R.S. § 8-546(A)(2).
2. "Abandonment" has the same meaning ascribed to "abandoned" in A.R.S. § 8-546(A)(1).
3. "Adult" means a person age 18 years or older.
4. "Applicant" means a person who submits a written application to the Licensing Authority or a licensing agency to become licensed, or to renew a license as a foster parent. An applicant means both spouses if the adult household caregivers are married, except for a person seeking license solely as an in-home respite foster parent.
5. "Case plan" means a written document which is a distinct part of a child's case record, and which identifies the child's permanency goal and target date, desired outcomes, tasks, time frames, and responsible parties.
6. "Child placing agency" or "placing agency" means:
 - a. The Department, a county probation department, or the Administrative Office of the Supreme Court, which are all statutorily authorized to place children into out-of-home care; and
 - b. Any other person or entity authorized to receive children for care, maintenance, or placement in a foster home because the Department has licensed the person or entity as a child welfare agency pursuant to A.R.S. § 8-505.
7. "Corrective action" means a plan that describes steps a foster parent must take to remedy violations of foster care requirements within a specified period of time.
8. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child maltreatment.
9. "CPSCR" means the Child Protective Services Central Registry, a computerized database, which CPS maintains pursuant to A.R.S. § 8-546.03.
10. "Department" or "DES" means the Department of Economic Security.
11. "Developmentally appropriate" means an action which takes into account:
 - a. A child's age and family background;
 - b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
 - c. A child's individual pattern and timing of growth, personality, and learning style.
12. "Discipline" means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to generally accepted levels of social behavior.
13. "DHS" means the Department of Health Services.
14. "Exploitation" means the act of taking advantage of, or making use of a child selfishly, unethically, or unjustly for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child pan-handle, steal, or perform other illegal activities.
15. "Foster care requirements" mean the standards for lawful operation of a foster home as prescribed in A.R.S. § 8-501 et seq. and 6 A.A.C. 5, Article 58.
16. "Household" means a group of people who regularly occupy a single residence.
17. "Household member" means a person who resides in an applicant's or foster parent's household for 21 consecutive days or longer, or who resides in the household periodically throughout the year for more than a total of 21 days.
18. "In-home respite foster parent" means an individual licensed to provide respite care in a licensed family foster home that is not that individual's own home.
19. "License" means a document issued by the Licensing Authority to a foster parent which authorizes the foster parent to operate a foster home in compliance with foster care requirements.
20. "Licensed medical practitioner" means a person who holds a current license or certification as a physician, surgeon, nurse practitioner, or physician's assistant pursuant to A.R.S. §§ 32-1401 et. seq., Medicine and Surgery; §§ 32-1821 et. seq., Osteopathic Physicians and Surgeons; §§ 32-2521 et. seq., Physician's Assistant; and A.A.C. R4-19-503, Registered Nurse Practitioner.
21. "Licensing agency" means a person who or an entity which performs an investigative family study of an applicant for an initial or renewal foster home license, as prescribed in R6-5-5803 and R6-5-5812, and which monitors the foster home, as prescribed in R6-5-5815. "Licensing agency" includes the Department and may include county probation departments.
22. "Licensing Authority" means a DES administrative unit which makes foster home licensing determinations, including issuance, denial, suspension, revocation, and imposition of corrective action.
23. "Maltreatment" means abuse, neglect, exploitation, or abandonment of a child.
24. "Neglect" has the same meaning ascribed to it in A.R.S. § 8-546(A)(6).
25. "Parent or parents" means the natural or adoptive parents of the child. A.R.S. § 8-501(A)(8).
26. "Professional foster care" means a foster family based model of care provided by an individual who has received specialized training to provide care and services within a support system of clinical and consultative services to special care children.
27. "Professional foster home" means the licensed foster home of an individual or couple authorized to provide professional foster care.
28. "Punishment" means the threat or use of power and fear to change inappropriate behavior.
29. "Receiving foster home" means a licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition. A.R.S. § 8-501(A)(9).
30. "Respite care" means the provision of short-term care and supervision of a foster child to temporarily relieve a foster parent from the duty to care for the child.

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31. "Respite foster parent" means a licensed foster parent authorized to provide respite care.
32. "Safeguard" means to take reasonable measures to eliminate the risk of harm to a foster child and ensure that a foster child will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Article, safeguarding may include:
 - a. Locking up a particular substance or item;
 - b. Putting a substance or item out of the reach of a child who is not mobile; or
 - c. Erecting a barrier which prevents a child from reaching a particular place, item, or substance;
 - d. Mandating the use of protective safety devices; or
 - e. Providing supervision.
33. "Service team" means the group of persons listed in R6-5-5828(A) who participate in the development and review of a child's case plan.
34. "Significant person" means a person who is important or influential in a child's life and may include a family member or close friend.
35. "Sleeping area" means a single bedroom or a cluster of 2 or more bedrooms located in an adjacent area of a dwelling.
36. "Special care child" means a foster child who has not achieved expected norms for the child's developmental stage in the following areas: physical, medical, mental, psychological, intellectual, emotional, and social. This includes a child who experiences difficulty in establishing or maintaining developmentally appropriate interpersonal relationships.
37. "Swimming pool" means any natural or man-made body of water used for swimming, recreational, or decorative purposes, which is greater than 12 inches in depth, and includes spas and hot tubs.
38. "Work day" means Monday through Friday between 8 a.m. and 5 p.m., excluding Arizona state holidays.

R6-5-5802: Requirements of Initial Licensing

A. Application

1. ~~Married or single persons desiring to provide foster care shall make written application to the Department on the prescribed form.~~
2. ~~Applicants shall participate in interviews and home study, as required by the Department.~~
3. ~~Applicants shall comply with this Article.~~
4. ~~Applicants shall cooperate with the Department in obtaining information necessary to determine if the home meets licensing standards. Such cooperation includes, but is not limited to, executing a release of information, and obtaining psychological, psychiatric, or other evaluations.~~

B. Requirements of applicants and household members

1. ~~Applicants shall be over the age of 21 years.~~
2. ~~Applicants and members of household 18 years or older shall be fingerprinted, unless physically impossible, for a criminal record check.~~
3. ~~Applicants shall have income, independent of foster care payments, adequate to meet needs of the family unit.~~
4. ~~Both parents shall not be employed outside the home unless the hours of work do not conflict with the appropriate care and supervision of the children by a responsible adult. Any plan for the supervision of the children in the working foster parents absence must meet the approval of an authorized representative of the agency supervising the foster home.~~
5. ~~The applicants shall be in good physical and mental health.~~
 - a. ~~Applicants shall submit a statement from a licensed~~

~~medical practitioner stating that each adult living in the home who will assume any child care responsibilities was seen by the practitioner within the last 6 months. The statement will include the following:~~

- i. ~~A description, to the best of the practitioner's knowledge, of their general physical and emotional health, and~~
- ii. ~~Any medical or emotional problems that would prevent them from properly caring for foster children.~~

- b. ~~Applicants shall submit documentation that each child living in the home has received the immunizations appropriate to his or her age and state of health.~~
- e. ~~As an alternative to the documentation described in subparagraph (b) above, applicants may submit a signed statement that their child(ren) has not been immunized because of affiliation with a religion which is opposed to such immunizations.~~

6. ~~Applicants shall provide the Department with 3 references, not related to the applicant, as to their character and ability to care for children. The Department may contact these references for further information.~~
7. ~~Applicants shall attend initial training as required by A.R.S. §§ 8-503(6) and 8-509 plus any additional training as required by the Department.~~
8. ~~The decision to be licensed as a foster home shall be agreeable to all family members.~~
9. ~~Applicants shall demonstrate an understanding of and the ability to handle the emotional, physical, developmental, educational, and intellectual needs of children.~~
10. ~~Applicants shall demonstrate the ability to provide nurture, warmth, intellectual stimulation, and be able to protect children from harm.~~
11. ~~Applicants shall have a wholesome attitude toward, and understanding of, habit training, discipline, health, nutrition, sex education, and the various experiences that a child may have and with which a child may need assistance and guidance.~~
12. ~~Additional personal qualifications~~

~~a. Special foster home parents shall:~~

- i. ~~Have the necessary patience, understanding, and acceptance to supervise and motivate children who are physically handicapped, developmentally disabled, emotionally disturbed, or delinquent.~~
- ii. ~~Have previous training or experience or demonstrate a willingness to care for children with special needs.~~
- iii. ~~Have the ability to work effectively with the worker and other specialists involved in the planning and treatment of the child.~~
- iv. ~~Participate in specialized learning experiences when available.~~
- v. ~~Have a physical setting appropriate to the special needs of the child(ren).~~

~~b. Receiving foster home parents shall:~~

- i. ~~Have a household that is exceptionally flexible and capable of accepting children of varied cultural and racial backgrounds.~~
- ii. ~~Help children in all states of emotional stress at all hours of the day and night.~~
- iii. ~~Participate in specialized training when available.~~

C. Requirements of the home

1. ~~The foster home shall be maintained in a safe and sanitary condition.~~

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- 2- ~~The foster home shall be inspected and meet the requirements of the Department of Health Services and the Department of Economic Security. Fire safety inspections shall be made in all mobile homes and when necessary in order to verify conformity to fire codes.~~
- 3- ~~The foster home shall comply with local building, health, fire, or other codes in effect in the jurisdiction where it is located.~~
- 4- ~~Swimming pools shall meet the requirements of the Health Department. All homes licensed for children under age 6 must have swimming pools separately fenced and made inaccessible. All children who are unable to swim shall not be in pool area unless supervised. Foster parents shall establish safety rules for use of the pool appropriate to age and ability of the children.~~
- 5- ~~Medicines, toxic, and corrosive materials shall be kept in locked storage.~~
- 6- ~~Firearms shall be locked up at all times and ammunition shall be kept in separate locked storage.~~
- 7- ~~Bedrooms shall have light, ventilation, and a usable exit to the outside in case of emergency.~~
- 8- ~~Each child shall have his own bed and a place to store clothing and personal belongings.~~
- 9- ~~Each home licensed for children under 2 years of age shall have a crib available for use by such children or, in the alternative, shall have available other safe sleeping facilities for use by such children which have been approved by the licensing worker.~~
- 10- ~~Telephone service or similar communication methods shall be available in the home.~~
- 11- ~~Foster parents shall have liability insurance on their vehicles transporting foster children.~~

R6-5-5802. Application for Initial License

- A. A person who wishes to become licensed as a foster parent shall apply to a licensing agency on a form specified by the licensing agency.
- B. An applicant shall provide the licensing agency with at least the following information on each applicant:
 1. Personally identifying information, including:
 - a. Name,
 - b. Date of birth,
 - c. Social Security number,
 - d. Ethnicity,
 - e. Telephone number,
 - f. Current address,
 - f. Length of Arizona residency, and
 - g. Current marital status and marital history;
 2. Personally identifying information on the applicant's household members, including:
 - a. Name,
 - b. Date of birth,
 - c. Social Security number, and
 - d. Relationship to applicant;
 3. Personally identifying information on the applicant's children who do not live with the applicant, including emancipated children, as follows:
 - a. Name,
 - b. Current address,
 - c. Telephone number, and
 - d. Date of birth;
 4. The applicant's monthly or yearly household budget, showing assets, obligations, debts, and income;
 5. Medical statements for the applicant and any adult household member who will regularly care for foster children, showing that the applicant and household member meet

the requirements prescribed in R6-5-5823(4); the statement shall:

- a. Include a description of the person's general health and identify any medical problem or physical condition that will prevent or limit the person from caring for a foster child, or that may negatively impact a foster child;
 - b. Include a list of all regularly prescribed medications and the purpose of each medication; and
 - c. Be signed and dated by a licensed medical practitioner who shall have examined the person within 6 months prior to the date of application for licensure;
6. Immunization records for each child household member;
 7. A current statement and history of physical and mental health and treatment on the applicant and the applicant's household members, to the extent that such information has not already been provided in response to subsections (B)(5) and (6); the statement and history may be a self-declaration of illness and treatment;
 8. Employment information, including names and addresses of prior employer's and positions held during the last 10 years;
 9. Family relationship and support system information on the applicant's family and family of origin;
 10. If the applicant is employed outside the home, the applicant shall provide a statement explaining the child care arrangements the applicant would make for a foster child during the applicant's working hours;
 11. If the applicant is self employed, or conducts a business activity within the home, a statement explaining how the activities related to this business will not interfere with the care of a foster child;
 12. A description of:
 - a. The applicant's daily routine and activities; and
 - b. The applicant's hobbies, and any education or volunteer activities in which the applicant regularly participates;
 13. A description of any spiritual or religious beliefs and practices observed in the applicant's home;
 14. Information on administrative or judicial proceedings in which the applicant has been or is a party, including:
 - a. Proceedings involving allegations of child maltreatment;
 - b. Dependency actions;
 - c. Actions involving severance or termination of parental rights;
 - d. Child support enforcement proceedings;
 - e. Adoption proceedings;
 - f. Criminal proceedings other than minor traffic violations;
 - g. Bankruptcy; and
 - h. Suspension, revocation, or denial of a license or certification;
 15. The name, address, and telephone number of at least 5 references who can attest to the applicant's character and ability to care for children; no more than 2 of the references may be related to the applicants by blood or marriage; for married applicants, at least 2 of the 5 references shall know the applicants as a couple.
 16. A description of the applicant's home and neighborhood;
 17. A statement from the applicant as to:
 - a. The number of foster children the applicant would consider for placement; and
 - b. The characteristics of foster children the applicant would consider for placement; and
 - c. The characteristics of children, if any, for whom the

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- applicant does not want to provide foster care;
18. A description of the applicant's prior experience, if any, as a foster parent, including:
 - a. The state in which the applicant provided foster care;
 - b. Whether the applicant was licensed, certified, or approved to provide care; and
 - c. Whether any disciplinary action was taken against the applicant.
 19. A description of the applicant's prior history of adoption certification, if any, including prior applications for certification, and the location and date of any certification denials;
 20. A description of the applicant's child care experience and child rearing practices;
 21. A statement from the applicant regarding the applicant's motivation for becoming a foster parent;
 22. A statement from the applicant describing how all other household members feel about the decision to foster children;
 23. A statement authorizing the licensing agency and the Licensing Authority to:
 - a. Verify the information contained in or filed with the application;
 - b. Perform background checks on the applicant and the applicant's household members, as prescribed in R6-5-5803 and R6-5-5807; and
 - c. Arrange for DHS to conduct a health and safety inspection of the applicant's home, as prescribed in A.R.S. § 8-504 and R6-5-5804;
 24. A statement from the applicant attesting to the truth of the information contained in the application; and
 25. The applicant's signature and date of application.
- C. The applicant and all adult household members shall also submit to fingerprinting and a criminal history check as prescribed in A.R.S. § 46-141 and this subsection.
1. On a form provided by the Department, the applicant and each adult household members shall certify whether he or she has ever committed, is awaiting trial for, or has ever been convicted of any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:
 - a. Sexual abuse of a minor or vulnerable adult;
 - b. Incest;
 - c. First or 2nd degree murder;
 - d. Kidnapping;
 - e. Arson;
 - f. Sexual assault;
 - g. Sexual exploitation of a minor or vulnerable adult;
 - h. Commercial sexual exploitation of a minor or vulnerable adult;
 - i. Felony offenses within the previous 10 years involving the manufacture or distribution of marijuana or dangerous or narcotic drugs;
 - j. Robbery;
 - k. A dangerous crime against children as defined in A.R.S. § 13-604.01;
 - l. Child abuse or abuse of a vulnerable adult;
 - m. Sexual conduct with a minor;
 - n. Molestation of a child or vulnerable;
 - o. Voluntary manslaughter; and
 - p. Aggravated assault.
 2. On a form provided by the Department, the applicant and each adult household members shall certify whether he or she has ever been convicted of, found by a court to have committed, or has committed, any of the following criminal

offenses in this state or similar offenses in another state or jurisdiction:

- a. A sex offense;
- b. A drug related offense;
- c. A theft related offense;
- d. A violence related offense;
- e. Child neglect or neglect of a vulnerable adult; and
- f. Contributing to the delinquency of a minor.

- D. If an applicant applies to the Department as the licensing agency, the Department shall send the applicant a notice of administrative completeness or deficiencies, as prescribed by A.R.S. § 41-1074, indicating the additional information, if any, that the applicant must provide for a complete application package as described in R6-5-5806. The Department shall send the notice after receiving the application form and before expiration of the administrative completeness review time frame described in R6-5-5813(2)(a).

R6-5-5803. Requirements for re-licensing

- A. The foster home license expires 1 year from date of issuance.
- B. For re-licensing foster homes shall meet all requirements in R6-5-5802 above with the following exceptions:
 1. A statement of health as described in R6-5-5802(B)(5) shall be provided at least every 3rd year.
 2. Inspection by Department of Health Services shall be made at least every 3rd year.
 3. References are not required.
- C. Fingerprints must be obtained for any household member 18 years or older.
- D. Foster parents must participate in ongoing training as required by A.R.S. §§ 8-503(6) and 8-509 and additional training as required by the Department.

R6-5-5803. Investigation of the Applicant

- A. The licensing agency to which the applicant has applied shall investigate the applicant. Except as otherwise provided in subsection (E) for an in-home respite foster parent, the investigation shall include the measures listed in this Section.
 1. A representative of the licensing agency shall personally interview the applicant and the applicant's household members; the interviews shall:
 - a. Occur on at least 2 separate occasions, at least 1 of which shall take place at the applicant's residence;
 - b. Comprise no less than 4 hours of face-to-face contact, at least 1 hour of which shall be at the applicant's residence;
 - c. Include at least 1 separate interview with each member of the applicant's household who is age 5 or older; and
 - d. Include at least 1 joint interview with both applicants if the applicants are married.
 2. During the interviews described in subsection (A)(1), the investigator shall explore any instances of family problems and how the applicant has overcome problems in the applicant's current family and family of origin.
 3. The licensing agency shall obtain written statements from at least 3 of the applicant's personal references listed pursuant to R6-5-5802(B)(15) and shall personally contact (either in a face-to-face meeting or a telephone call) at least 1 of the references.
 4. The licensing agency shall verify the applicant's financial condition through a review of 1 or more of the documents listed in subsection (B)(8) below.
 5. The licensing agency shall investigate and evaluate the applicant's past experiences, if any, serving as a foster parent.

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6. The licensing agency shall assess the applicant and the family's commitment to providing foster care, and the time available to devote to the care of a foster child.
- B.** The licensing agency shall request, and the applicant shall provide, supporting documentation the licensing agency deems necessary to determine an applicant's fitness to serve as a foster parent and ability to comply with foster care requirements. The documentation may include the following:
 1. A physician's statement regarding the physical health or immunization record of the applicant's household members;
 2. A statement from a psychiatrist or psychologist regarding the mental health of the applicant or the applicant's household members;
 3. Birth certificate;
 4. Marriage license;
 5. Driver's license and automobile registration;
 6. Dissolution or divorce papers and orders, including child support documentation;
 7. Military discharge papers;
 8. Tax returns, pay stubs, W-2 statements, and existing financial statements;
 9. Bankruptcy papers;
 10. Insurance policy information;
 11. Immigration or legal residency registration papers; and
 12. Documents related to or filed in judicial or administrative proceedings listed pursuant to R6-5-5802(B)(14).
- C.** Except as otherwise provided in subsection (E), the licensing agency shall verify that the applicant and adult household members have submitted a fingerprinting and criminal background form as prescribed in R6-5-5802(C).
- D.** The licensing agency shall document all personal contacts made, and all information obtained during the investigation.
- E.** When a person is seeking licensure solely as an in-home respite foster parent, the licensing agency is not required to:
 1. Interview the applicant's spouse and other household members;
 2. Conduct the applicant's interview at the applicant's home;
 3. Verify the applicant's financial condition as required by subsection (A)(4) and R6-5-5805(B)(7);
 4. Obtain supporting documentation for the applicant's spouse or other household members as required by this Section and R6-5-5823(4); or
 5. Document information on the applicant's spouse and household members in the investigative report or application package as required by R6-5-5805.

R6-5-5804. Standards of Child Care

- A.** Supervision. The foster parent shall:
1. Provide the child with positive emotional support and guidance;
 2. Provide the child with supervision, medical and dental care, training, and education according to individual need;
 3. Provide opportunities for social and physical development through recreation and leisure time activities;
 4. Have consistent and established child care plans, acceptable to the Department, at all times;
 5. Provide opportunity for the child to pursue his own religious beliefs or those held by his or her biological family;
 6. Assign tasks and work appropriate to age and abilities of the child and which do not interfere with school, health or necessary recreation;
 7. Establish well defined rules which set the limits of behavior.

8. Administer discipline appropriate to age, life experience, and individuality of each child.
 - a. Discipline affecting the necessities of life shall not be used;
 - b. Discipline, verbal or physical, inflicted in a severe, injurious, or degrading manner shall not be used.
- B.** Physical care. The foster parent shall:
 1. Provide a well balanced and adequate diet to meet the nutritional needs of the child;
 2. Provide the child with age appropriate clothing which shall go with the child upon removal from care;
 3. Dress non-ambulatory children daily in their own clothing, including shoes, unless contraindicated in written medical orders which shall be reviewed periodically;
 4. Provide comfortable and safe sleeping arrangements for each child:
 - a. Foster children shall sleep within calling distance of the foster parent and shall not sleep in an unfinished attic, in an unfinished basement, or in a hall or any other room which is normally used for other than sleeping arrangements;
 - b. Foster children over 2 years of age shall not sleep in the bedroom of the foster parent(s) except for special temporary care, such as during a child's illness;
 - c. Foster children 6 years of age or over shall not share rooms with children of the opposite sex;
 5. Provide transportation to meet the educational, medical, therapeutic and social needs of the foster children;

R6-5-5804. Inspection of the Foster Home; DHS Inspection Report

- A.** The licensing agency shall contact the Department of Health Services (DHS) to request that a DHS representative:
1. Inspect the foster home, as prescribed in A.R.S. § 8-504 and this Section; and
 2. Issue a report describing whether the foster home satisfies foster care requirements.
- B.** The applicant shall cooperate with the DHS representative by making the home available for inspection and allowing the DHS representative unrestricted access to the entire foster home and the surrounding premises.
- C.** To determine if a foster home and its surrounding premises are safe, the DHS inspector and the licensing agency or Licensing Authority shall evaluate whether the home has any natural or man-made conditions that pose a risk of harm to a foster child, and whether a foster parent has taken or can take reasonable measures to eliminate that risk of harm and ensure that a foster child will not be harmed by a particular object, substance, or activity, including the following:
1. Locking, safeguarding, or removing dangerous objects, materials, or conditions as prescribed in this Article; and
 2. Having the equipment and space prescribed in R6-5-5838 through R6-5-5846;
- D.** To determine if a home is in good repair, the DHS inspector and the licensing agency shall:
1. Check the home's heating, cooling, ventilation and lighting systems, and major appliances;
 2. Look at furniture, fixtures, and equipment for evidence of loose hardware, rusting parts, and other damage; and
 3. Check walls, ceilings, and floors for evidence of flaking paint or plaster, loose tiles, boards, and panels, and exposed or unsafe wiring that may pose a danger or health risk to a child.
- E.** To determine if a home is sanitary, the DHS inspector and licensing agency shall:
1. Check the home and surrounding premises for evidence of dirt, animal waste, and vermin;

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2. Check whether the sewage disposal system functions and is in good repair; and
 3. Check the system, method, and timing for refuse and waste storage and removal.
- F. The DHS representative shall prepare a written report of the inspection and send a copy of it to the licensing agency.
- E. This Section does not apply to a person seeking licensure solely as an in-home respite foster parent.

R6-5-5805: Responsibilities to Department or Placing Agency

The foster parent shall:

1. Work as a team member with the Department or placing agency and other professionals developing and implementing the child's casework plan.
2. Immediately report to the Department or placing agency any serious illness, serious injury, or any unusual circumstances affecting the health, safety, or physical or emotional well being of the child.
3. Make every reasonable effort to support and maintain the child's relationships with his biological family and other persons important to the child's life, as approved or required by the Department or placing agency of the court.
4. Maintain custodial care of foster children. Visitations or outings with other adults must be approved by the Department or placing agency.
5. Maintain a confidential record for each foster child of social, medical, and educational events important to the child, including pictures.
6. Use clothing money provided by the Department only for the child and maintain records of expenditures for clothing.
7. Give to the child the personal allowance provided by the Department for his use and which is over and above the normal expenses paid for by the Department.
8. Notify the Department or placing agency when the foster parent:
 - a. Changes residency or builds an addition to the home. Such change requires a Department of Health Services inspection.
 - b. Changes marital status or living arrangements.
 - c. Changes the family composition when a new member is added to the household or when a temporary visitor stays more than 1 month. When any new member or temporary visitor stays more than 2 months the foster parent shall notify the Department in order that further investigation may be made to determine if, with the additional person in the home, the licensing standards are still met.
9. Not provide categories of care other than foster care, except that a foster home may provide both respite care and foster care simultaneously so long as the total number of children at any 1 time does not exceed the limit set out in the foster family home license.
10. Not combine care of adults and children, except in the case of an unmarried mother and her child or in the case of persons under 21 years of age who voluntarily remain in foster care, and who are currently enrolled in and regularly attending school and have not received high school diplomas or certificates of equivalency.
11. Not accept adult roomers or boarders. An exception would be if the roomer or boarder has been with the family for a long period of time and is considered a member of the family. In this case, all the requirements for the family must also be met by the roomer or boarder. Another exception is that foster children reaching 18

years of age may remain in the home as roomers, if the plan is approved by the licensing agency.

12. Treat all information concerning a child and the parents as confidential. The foster parents shall not disclose confidential information without authorization of the placing agency.

R6-5-5805: Investigative Report and Licensing Recommendation

A. The licensing agency shall summarize the results of the investigation in a written report, which shall include:

1. A recommendation to grant or deny a license;
2. Any recommendations for terms, conditions, or limitations to be placed on the license.

B. In determining whether to recommend that a license be granted or denied, the licensing agency and Licensing Authority shall consider all information acquired during the investigation, and all factors bearing on the applicant's fitness to foster a child and comply with foster care requirements including:

1. Instances of family problems in the applicant's current family or family of origin, including whether the applicant was maltreated as a child, and the applicant's success in overcoming those problems;
2. The applicant's past history of parenting or caring for children;
3. The length and stability of the applicant's marital relationship, if applicable;
4. The applicant's age and health;
5. Past, significant disturbances or events in the applicant's immediate family, such as involuntary job separation, bankruptcy, divorce, or death of spouse, child, or parent;
6. Past criminal history or record of child maltreatment for the applicant or the applicant's household members;
7. The applicant's financial stability, exclusive of anticipated foster care maintenance payments, and ability to financially provide for a foster child;
8. The applicant's history of providing financial support to the applicant's other children, including compliance with court ordered child support obligations; and
9. The DHS report on the foster home and whether the applicant has corrected any deficiencies or problems noted in the report.

C. The investigative summary shall specifically note any instances where an applicant has been:

1. Charged with, been convicted of, pled no contest to, or is awaiting trial on charges of an offense listed in R6-5-5802(C); and
2. A party to an action for dependency or termination of parental rights.

D. R6-5-5805(B)(3)(7) and (9) do not apply to a person seeking licensure solely as an in-home respite foster parent.

R6-5-5806: Denial, Suspension, or Revocation of License

A. The denial, suspension, or revocation of a license shall be in compliance with A.R.S. § 8-506 and R6-5-24. The Department shall deny, suspend, or revoke any license when:

1. The foster home is not in compliance with the licensing standards of the Department, Arizona state or federal statutes, city or county ordinances or codes.
2. The applicants or foster parents refuse to cooperate in obtaining information necessary to determine whether these standards have been met.
3. Any member of the household 18 years of age or older who has been convicted of or found by a court to have committed or is reasonably believed to have committed a sex offense, a drug-related offense, a violence-related

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~~offense, child abuse, child neglect, or contributing to a delinquency of a minor and there is reason to believe that the person may again commit any of the described offenses. In determining whether the person may again commit any of the described offenses, the Department may consider any relevant factors including, but not limited to, the following:~~

- ~~a. The extent of the person's criminal record, if any;~~
 - ~~b. The length of time which has elapsed since offense occurred;~~
 - ~~c. The nature of the offense;~~
 - ~~d. The circumstances surrounding the offense;~~
 - ~~e. The degree of participation by the person in the offense;~~
 - ~~f. The extent of rehabilitation of the person.~~
4. ~~There is a material misrepresentation or a willful failure to disclose pertinent information by the foster parents to the Department or to a licensed child welfare agency relating to the foster parents qualifications, experience, or performance of responsibilities; or~~
5. ~~The Department's assessment of the family indicates an inability to meet the physical or emotional needs of children.~~

B. ~~The Department is not obligated to make referrals to a licensed family foster home.~~

R6-5-5806. Complete Application Package: Contents

- A. The licensing agency shall send a complete application package to the Licensing Authority for consideration.
- B. A complete application package includes the following:
1. A copy of the applicant's completed application form and criminal history certification form containing the information prescribed in R6-5-5802(B) and (C);
 2. The investigative report, as prescribed in R6-5-5805;
 3. Evidence that the applicant and adult household members have been fingerprinted and their fingerprints subjected to a criminal history check;
 4. Evidence that the applicant has completed the training prescribed by A.R.S. § 8-509(B) and R6-5-5825(A), or a statement of hardship as prescribed in R6-5-5810; and
 5. Evidence that the applicant's dwelling has passed the health and safety inspection prescribed by A.R.S. § 8-504 and R6-5-5804.
- C. Upon receipt of an application package from a licensing agency other than the Department, the Licensing Authority shall:
1. Determine whether the application is complete; and
 2. Send the applicant and the licensing agency a notice of administrative completeness or deficiencies, as prescribed by A.R.S. § 41-1074, within the administrative completeness review time frame described in R6-5-5813(1)(a).
- D. The Licensing Authority shall not consider an applicant for licensure until the licensing agency has provided the Licensing Authority with a complete application package.

R6-5-5807. Waiver of licensing standards

- A. ~~The Department in consultation with the Attorney General's Office, may waive compliance with a licensing standard required by these rules and not otherwise required by law if the following requirements are met:~~
- ~~1. It is found to be in the best interests of a particular foster child to be placed in a particular home; and~~
 - ~~2. The purpose of the standard being waived is otherwise fulfilled.~~

B. ~~In waiving compliance with a licensing standard, the Department shall make written findings of fact and conclusions supporting the waiver requirements set out above.~~

R6-5-5807. CPSCR Check; Additional Investigation by Licensing Authority

- A. The Licensing Authority shall conduct a CPSCR check on the applicant and, with the exception of an in-home respite foster parent applicant, on all household members for reports of child maltreatment.
- B. Upon receipt of a complete application package, as prescribed in R6-5-5806, the Licensing Authority may do additional investigation, as prescribed in this Section, if the Licensing Authority needs additional information in order to determine the applicant's fitness to serve as a foster parent, and ability to comply with foster care requirements.
1. The Licensing Authority may directly obtain information by:
 - a. Interviewing the applicant, either in-person or telephonically;
 - b. Contacting additional references;
 - c. Verifying information provided in the application package, including past history of licensure as a foster parent;
 - d. Visiting the applicant's home; and
 - e. Requesting additional supporting documentation as prescribed in R6-5-5803(B).
 2. The Licensing Authority may contact the licensing agency and request that the licensing agency obtain additional information, as prescribed in subsection (B).

R6-5-5808. License: Form; Issuance; Denial; Term; Termination

- A. Within 30 days of receiving a complete application, the Licensing Authority shall issue a written licensing decision.
1. If the Licensing Authority grants the license, the Licensing Authority shall send the license with the notification letter. The license shall be in the name of the applicant and the foster home location as identified in the application. The license shall specify the number, age, and gender of children the foster home may accept.
 2. The Licensing Authority may place terms on the license as to the type of child the foster home may accept for placement. Such terms may include the following:
 - a. A restriction that the foster home can accept only a specifically named child or specifically named children; and
 - b. A provision that the home can provide a particular service, or accept children with particular behavior problems or physical conditions.
 3. A license for a person being licensed solely as an in-home respite foster parent shall include only the licensee's name and the type of care, but no specific location or other terms.
 4. If the Licensing Authority denies the license, the notice shall include the reasons for the denial, with a statement of the applicant's right to appeal the licensing decision, as prescribed in R6-5-5821.
- B. A license expires 1 year from the date of issuance. If a foster parent receives a provisional license as prescribed in R6-5-5810, and the provisional license is converted to a regular license during the licensing year, the regular license shall expire 1 year from the date the provisional license was issued.
- C. A foster parent shall not transfer or assign a license. A license expires if the foster parent moves to a different dwelling the licensing agency has 1st notified the Licensing Authority of the planned move or a foster parent has requested an amend-

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ment to the license as prescribed in R6-5-5814(C). This requirement does not apply to a person licensed solely as an in-home respite foster parent.

- D. Issuance of a license does not guarantee placement of a foster child.
- E. A license terminates when:
1. The license expires by its own terms and is not renewed.
 2. The Licensing Authority revokes the license pursuant to disciplinary proceedings as prescribed in R6-5-5819.
 3. The foster parent moves out of state, or
 4. The foster parent voluntarily surrenders the license.

R6-5-5809. Provisional License

Notwithstanding any other provision of this Article, the Licensing Authority may issue a provisional license to a foster parent who has not completed training, when the Licensing Authority makes a finding of hardship as prescribed in A.R.S. § 8-509(D). The Licensing Authority may find a condition of hardship when failure to issue a provisional license would result in displacement of a child or the inability to place a particular child.

1. The term of a provisional license shall not exceed 6 months.
2. A provisional license is not renewable.

R6-5-5810. Application for License Renewal

- A. At least 60 days before the expiration date of a license, the licensing agency shall send a foster parent a notice of license expiration.
- B. A foster parent may apply to a licensing agency at least 30 days before the expiration of the current license.
- C. A complete renewal application shall contain the following information:
1. A description of any changes to the information provided in the original application or last renewal application, including changes in personal, family, social, medical, or financial circumstances;
 2. At least once every 3rd year following original licensure, a licensed medical practitioner's statement on the physical health of the foster parent and any household members who regularly care for children;
 3. Evidence that the foster parent has obtained the annual training required by A.R.S. § 8-509(C); and
 4. The statements, signature, and date prescribed in R6-5-5802(B)(23) through (25).
- D. A foster parent shall submit copies of the supporting documents listed in R6-5-5803(B) if so requested by the licensing agency.
- E. The foster parent and adult household members shall comply with any investigative requirement for fingerprint clearance.

R6-5-5811. Renewal Investigation; Licensing Report and Recommendation

- A. A licensing agency that receives a renewal application shall conduct a face-to-face interview with the foster parent at the foster parent's residence. The licensing agency is not required to conduct the interview of a person licensed solely as an in-home respite foster parent at the person's residence. During the interview, the licensing agency shall discuss the following:
1. The foster parent's experiences in serving as a foster parent during the expiring licensing year;
 2. Any changes identified in the renewal application; and
 3. Any complaints made against the foster parent during the expiring licensing year.
- B. The licensing agency shall obtain any supplemental information the agency needs to determine the foster parent's continuing fitness to serve as a foster parent.

- C. The licensing agency shall request a statewide criminal history records information check every year for the foster parent and, with the exception of an in-home respite foster parent, all adult household members.

- D. The licensing agency shall request that DHS perform a health and safety inspection of the foster parent's home, as prescribed in R6-5-5804, at least once every 3rd year following original licensure. This inspection is not required of a person licensed solely as an in-home respite foster parent.

- E. The licensing agency shall summarize the results of the renewal investigation in a report and make a licensing recommendation as prescribed in R6-5-5805. The report shall explain any complaints, as described in R6-5-5816, R6-5-5817, and R6-5-5818, made against the foster parent during the expiring license period.

- F. No less than 15 working days before the date that the applicant's current license expires, the licensing agency shall provide the Licensing Authority with a complete renewal application as prescribed in R6-5-5810, and the agency's renewal investigation report as prescribed in R6-5-5811.

R6-5-5812. Renewal License

- A. The Licensing Authority shall process a renewal application package pursuant to the procedures described in R6-5-5806(C), R6-5-5807, and R6-5-5808.
- B. In determining whether to renew a license, the Licensing Authority shall consider the renewal application package, and the foster parent's past record of service, including conduct during all prior licensing periods.
- C. The Licensing Authority may renew a foster parent's license when the foster parent:
1. Demonstrates the ability to fulfill foster care requirements;
 2. Has complied with foster care requirements during prior licensing periods; and
 3. Has cooperated with the licensing agency in providing the information required for license renewal.

R6-5-5813. Licensing Time Frames

For the purpose of A.R.S. § 41-1073, the Department has adopted the licensing time frames listed in this Section.

1. Initial applications submitted to a licensing agency other than the Department: When a person applies for foster parent licensure through a licensing agency other than the Department, and the licensing agency submits the completed application package to the Licensing Authority on behalf of the applicant, the licensing time frames are:
 - a. Administrative completeness review time frame: 30 days;
 - b. Substantive review time frame: 30 days; and
 - c. Overall time frame: 60 days.
2. Initial application submitted to the Department as the licensing agency: When a person applies directly to the Department for foster parent licensure, and the Department performs the activities described in R6-5-5803 through R6-5-5806, the licensing time frames are:
 - a. Administrative completeness review time frame: 90 days;
 - b. Substantive review time frame: 30 days; and
 - c. Overall time frame: 120 days.
3. Renewal applications submitted to a licensing agency other than the Department: When a person applies for renewal of a foster parent license through a licensing agency other than the Department, and the licensing agency submits the completed renewal application package to the Licensing Authority on behalf of the applicant, the licensing time frames are:

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- a. Administrative completeness review time frame: 21 days;
- b. Substantive review time frame: 21 days; and
- c. Overall time frame: 42 days.
4. Renewal applications submitted to the Department as the licensing agency: When a person applies directly to the Department for renewal of a foster parent license, and the Department performs the activities described in R6-5-5812, the licensing time frames are:
 - a. Administrative completeness review time frame: 40 days;
 - b. Substantive review time frame: 20 days; and
 - c. Overall time frame: 60 days.

R6-5-5814. Amended License: Change in Household Members

- A. The Licensing Authority may issue an amended license to reflect a change in circumstances when the change does not cause the foster parent or foster home to fall out of compliance with foster care requirements.
- B. The following changes require an amendment to the license:
 1. A change in any circumstances or conditions placed on the license, as prescribed in R6-5-5808(A)(2);
 2. Expanded or reduced capacity of the foster home;
 3. A move to a different residence;
 4. The divorce of the foster parent, if the divorce changes any circumstance or condition placed on the license;
 5. Marriage of the foster parent;
 6. The death of the foster parent's spouse if the death changes any circumstance or condition placed on the license; and
 7. A change of name.
- C. If the foster parent has moved to a different residence or remodeled an existing residence, the Licensing Authority shall not issue an amended license until the different or remodeled residence has passed a health and safety inspection as prescribed in R6-5-5804.
- D. An amended license expires at the end of the foster parent's current licensing year.
- E. If the foster parent adds a household member during the course of a licensing year, the foster parent shall:
 1. Notify the licensing agency within 5 work days of the new member's arrival;
 2. Ensure that a new adult household member submits a criminal history certification and submits to fingerprinting as prescribed in R6-5-5802(C) within 10 work days of the member's arrival;
 3. Ensure that a new child household member obtains any missing, routine immunizations within 30 calendar days of the member's arrival; and
 4. Cooperate in additional interviews and submit additional documentation that the licensing agency or Licensing Authority may require to determine whether the addition of the new member will cause the foster parent to fall out of compliance with foster care requirements.
- F. If the foster parent marries during the course of a licensing year:
 1. The foster parent's spouse shall submit an application for a license as prescribed in R6-5-5802 and R6-5-5803;
 2. The foster parent's spouse shall be investigated in accordance with R6-5-5803, R6-5-5805, R6-5-5806, R6-5-5807, R6-5-5823, and R6-5-5824; and
 3. The foster parent shall comply with R6-5-5814(C) and (E) above, as appropriate to the circumstances.
- G. A person licensed solely as an in-home respite foster parent is exempt from the requirements of subsections (B)(2) and (3), (C), (E), and (F).

R6-5-5815. Monitoring the Foster Home and Family

- A. A licensing agency shall monitor its foster homes.
- B. Monitoring activities may include the following:
 1. Announced and unannounced visits to the foster home;
 2. Interviews with the foster parent and household members over age 5;
 3. Interviews with foster children placed with a foster parent, if developmentally appropriate; any interviews with a foster child may occur with the foster child separated from the foster parent; and
 4. A review of any records a foster parent is required to maintain.
- C. A foster parent shall cooperate with monitoring requirements by:
 1. Making the foster home available for inspection; and
 2. Participating in interviews and permitting interviews with household members.
- D. When a licensing agency finds a violation of a foster home requirements, the licensing agency shall orally notify the Licensing Authority of the violation and shall follow the oral report with a written report that shall include a recommendation for any licensing action or a corrective action plan, as prescribed in R6-5-5818 and R6-5-5819.

R6-5-5816. Investigation of Complaints About a Foster Home

- A. When a licensing agency receives a complaint about a foster home or licensee, the licensing agency shall:
 1. Immediately report allegations of child abuse, neglect, or maltreatment to Child Protective Services Central Intake as prescribed in A.R.S. § 13-3620; and
 2. Report all complaints to the Licensing Authority and investigate all other complaints as prescribed in this Section.
- B. An investigation may include:
 1. Interviews with the complaining party and members of the foster home;
 2. Inspections of the foster parent's records and documents related to the issues raised in the complaint;
 3. Interviews of witnesses to the matters at issue; and
 4. Any other activities necessary to substantiate or refute the complaint.
- C. When the investigation is completed, the licensing agency shall notify the Licensing Authority of the results.

R6-5-5817. Licensing Authority Action On Complaints

After the licensing agency reports the results of its investigation, the Licensing Authority shall determine what action to take against a licensee, as prescribed in this Section.

1. If the licensee did not violate foster care requirements, the Licensing Authority shall take no further action.
2. If the licensee violated a foster care requirement, but has corrected the problem giving rise to the violation, the Licensing Authority shall record the incident in the licensing file and may take no further action.
3. If the licensee violated a foster care requirement and there is reasonable cause to believe that the licensing violation is continuing or may reoccur, the Licensing Authority shall take licensing action as prescribed in R6-5-5819, or require corrective action as prescribed in R6-5-5818.

R6-5-5818. Corrective Action

- A. If a deficiency giving rise to a substantiated complaint is correctable within a specified period of time and does not jeopardize the health or safety of a foster child, the Licensing Authority, in consultation with the licensing agency, may

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place the foster parent on a corrective action plan to remedy the deficiency.

B. In determining whether to require corrective action, the Licensing Authority shall consider the following criteria:

1. The nature of the violation;
2. Whether the violation can be corrected;
3. Whether the foster parent understands the violation and shows a willingness and ability to participate in corrective action;
4. The length of time required to implement corrective action;
5. Whether the same or similar violations have occurred on prior occasions;
6. Whether the foster parent has had prior corrective action plans, and, if so, the foster parent's success in achieving the goals of the plan;
7. The foster parent's history as a foster parent; and
8. Other similar or comparable factors demonstrating the foster parent's ability and willingness to follow through with a corrective action plan and avoid future violations.

R6-5-5819. License Denial, Suspension, and Revocation

A. The Licensing Authority may deny, suspend, or revoke a license when:

1. An applicant or licensee has violated or is not in compliance with foster care requirements, Arizona state or federal statutes, or city or county ordinances or codes;
2. An applicant or licensee refuses or fails to cooperate with the Licensing Authority in providing information required by these rules or any information required to determine compliance with these rules;
3. An applicant or licensee misrepresents or fails to disclose material information to the Licensing Authority, the licensing agency, or a placing agency regarding qualifications, experience, or performance of duties;
4. An applicant or licensee is unable to meet the physical, emotional, social, educational, or psychological needs of children; or
5. A licensee fails to comply with a corrective action plan.

B. In determining whether to take disciplinary action against a licensee, or to grant or renew a license, the Licensing Authority may consider the applicant or licensee's past history from other licensing periods, and shall consider a repetitive pattern of violations of applicable child welfare or foster care rules or statutes, as evidence that a license applicant or licensee is unable or unwilling to meet the needs of children.

C. The Licensing Authority shall deny a license when an applicant, licensee, or household member has been convicted of or is awaiting trial on the criminal offenses listed in R6-5-5802(C)(1) in Arizona or the same or similar offenses in other jurisdictions.

D. The Licensing Authority may deny a license when an applicant, licensee, or household member has been convicted of, found by a court to have committed, or is reasonably believed to have committed any criminal offense, other than those listed in R6-5-5802(C)(1). To determine whether the criminal history of an applicant, licensee, or household member affects a person's fitness to be a licensee, the Licensing Authority shall consider all relevant factors, including the following:

1. The extent of the person's criminal record;
2. The length of time which has elapsed since the offense was committed;
3. The nature of the offense;
4. The mitigating circumstances surrounding the offense;
5. The degree of participation by the person in the offense;
6. The extent of the person's rehabilitation, including:
 - a. Completion of probation or parole;

b. Whether the person has made restitution or paid compensation for the offense;

c. Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling; and

d. Personal references attesting to the person's rehabilitation.

E. The Licensing Authority may deny, suspend, or revoke a license if the applicant, licensee, or household member is, or resides with, a person who has a record of substantiated or undetermined child maltreatment in this state or any other jurisdiction. To determine whether an applicant, licensee, or household member's history of child maltreatment affects a person's fitness to serve as a foster parent, the Licensing Authority shall consider all relevant factors, including, but not limited to, the following:

1. Whether the person was subjected to child maltreatment in his or her family of origin;
2. The extent of the person's child maltreatment record;
3. The length of time which has elapsed since the maltreatment occurred;
4. The nature of the maltreatment;
5. The circumstances surrounding the maltreatment;
6. The degree to which the person participated in the maltreatment;
7. The extent of the person's rehabilitation;
8. Whether the person is on probation or parole; and
9. Whether legal proceedings were initiated as a result of the maltreatment.

F. The person seeking to establish fitness to be a licensee pursuant to this subsection (D) has the burden of proving mitigating circumstances, indirect involvement, and the completion of probation or parole.

G. The Licensing Authority shall not deny, suspend, or revoke the license of an in-home respite foster parent based on the actions of the foster parent's household members as identified in (C), (D), and (E) above unless such actions interfere with the foster parent's ability to comply with this Article or relate to any child for whom the foster parent provides respite care.

R6-5-5820. Adverse Action; Notice; Effective Date

A. When the Licensing Authority denies, suspends, or revokes a license, the Licensing Authority shall send a written, dated notice of the action by certified mail to:

1. The applicant or licensee,
2. The licensing agency, and
3. The placing agency for any child placed with the licensee at the time of the action.

B. The notice shall specify:

1. The action taken and the date the action will be effective;
2. A citation to the legal authority, and a description of the reasons supporting the action; and
3. The procedures by which the applicant or licensee may contest the action taken, and the time periods in which to do so.

C. A revocation is effective:

1. Twenty-one days after the postmark date of the revocation notice; or
2. If the licensee appeals the revocation, on the date that an administrative hearing officer issues a written decision affirming the revocation.

R6-5-5821. Appeals

A. An applicant or licensee may appeal the denial, suspension, or revocation of a license pursuant to the procedures prescribed in R6-5-2405(A) to (H). Imposition of a provisional license or a corrective action plan is not appealable.

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- B.** To appeal, an applicant or licensee shall file a written notice of appeal with the Licensing Authority no later than 20 days from the date of the notice prescribed in R6-5-5820(A) and (B).
- C.** The notice of appeal shall specify the action being appealed and a statement of why the Licensing Authority's action was wrong.
- D.** Appeals from the decision of a hearing officer are governed by A.R.S. §§ 41-1992(D) and 41-1993.

R6-5-5822. Alternative Methods of Compliance

- A.** The Licensing Authority, in consultation with the Attorney General's Office, may substitute an alternative method of compliance for a foster care requirement contained in this Article and not otherwise required by law if the following conditions are met:
1. The Licensing Authority, in consultation with the licensing or placing agency, determines that placement in the foster home requesting an alternative method of compliance is in the best interests of a particular foster child; and
 2. The purpose of the requirement being replaced is fulfilled through the alternative method of compliance.
- B.** If the Licensing Authority approves an alternative method of compliance for a foster care requirement contained in this Article, the Licensing Authority shall make written findings of fact and conclusions explaining how the requirements of subsection (A) are met.
- C.** The Licensing Authority has no obligation to approve an alternative method of compliance and shall consider the particular facts and circumstances of each case when making such a determination.

R6-5-5823. Foster Parent: General Qualifications

To qualify for and maintain licensure as a foster parent, a person shall meet the criteria listed in this Section.

1. The person shall be at least 21 years old at the time of application.
2. The person shall have sufficient income, exclusive of the foster care maintenance payment, to meet the needs of the foster parent and the foster parent's own children and household members.
3. The applicant, foster parent, and adult household members shall be free of conviction or indictment for, or involvement in, the criminal offenses listed in R6-5-5802(C).
4. The applicant, foster parent, and household members shall not have any physical or mental health conditions which preclude compliance with foster care requirements.
5. Each child residing in the foster home shall have all childhood immunizations appropriate to the child's age and health.
6. An applicant or foster parent shall not:
 - a. Conduct home business activities which prevent the applicant or foster parent from caring for a foster child in accordance with foster care requirements;
 - b. Provide foster care for adults; or
 - c. Accept non-relative adult roomers or boarders.
7. An applicant's or foster parent's household members shall agree to and support the decision to provide foster care.
8. An applicant or foster parent shall:
 - a. Cooperate with the licensing agency, the placing agency, and the Licensing Authority regarding any inspections or investigative activities; and
 - b. Provide information as prescribed in this Article.

R6-5-5824. Foster Parent: Personal Characteristics

To qualify for and maintain licensure as a foster parent, a person

shall be a responsible, stable, emotionally mature individual who can exercise sound judgment. A person meets this requirement by demonstrating the following characteristics on the person's application and during the interview and investigation process:

1. The ability to realistically determine which foster children the person can accept, work with, and successfully integrate into the person's family;
2. Knowledge of child development, nutrition, health, and the various experiences a child may have, with which the foster parent may need assistance and guidance;
3. The willingness and ability to protect children from harm;
4. Knowledge and understanding of child discipline and ways of helping a child build positive personal relationships;
5. The following personal attributes:
 - a. The capacity to give and receive affection;
 - b. Enjoyment in being a parent or foster parent;
 - c. Flexibility in expectations, attitudes, behavior, and use of help when it is needed;
 - d. The ability to deal with separation, loss, frustration, and conflict;
6. The capacity to respect persons with differing life styles and philosophies, and persons of different races, cultures, and religious beliefs;
7. The ability to accept a foster child's relationship with the child's parent and birth family; and
8. The willingness and ability to commit the time necessary to provide a foster child with supervision and guidance in accordance with foster care requirements and a foster child's individual needs.

R6-5-5825. Training and Development

- A.** Before receiving an initial license, an applicant shall complete at least 12 clock hours of initial foster parent training as prescribed in A.R.S. § 8-509(B). The training shall cover at least the following subjects:
1. Characteristics and needs of children who may be placed in the foster home;
 2. The role of the foster parent as a member of the care and treatment team;
 3. The importance of birth parent and family involvement in a child's life;
 4. Methods for appropriately addressing the cultural, ethnic, and religious needs of a child in care;
 5. Attachment, separation, and loss issues for children and families;
 6. Behavior management policies and practices as prescribed in R6-5-5833;
 7. Confidentiality;
 8. Emergency procedures;
 9. Resources and supportive services available to foster children and foster parents;
 10. Foster care payment procedures;
 11. Placing agency and Licensing Authority contact persons and procedures;
 12. The impact of fostering on the foster parent and the foster parent's own family;
 13. Addressing and coping with the impacts described in subsection (A)(12);
 14. Specialized topics related to child welfare, health, growth, or development; and
 15. The Indian Child Welfare Act of 1978 (PL 95-608).
- B.** Each licensing year, prior to license renewal, a foster parent shall attend and complete at least 6 clock hours of ongoing training as prescribed in A.R.S. § 8-509(C). Annual training may include:

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1. Advanced training in the subjects listed in subsection (A) above;
 2. Special subjects relating to child health, growth, or development, including:
 - a. Child management techniques based on the developmental needs of children in care;
 - b. Discipline, crisis intervention, and behavior management techniques; and
 3. Review of placing agency policies.
- C. An applicant or licensee shall also complete any additional training required by the Licensing Authority, or the foster parent's licensing agency or placing agency to develop specialized skills and to meet or maintain compliance with foster care requirements.

R6-5-5826. Compliance With Licensing Limitations; Adult-child Ratios

- A. A foster parent shall limit the number of children in the home as prescribed in subsections (A)(1) and (2) below. As used in this Section, "children in the home" means any child in the foster home, including children placed for respite care, child care services, or baby-sitting, the foster parent's own children, and children residing in the foster home.
1. At all times, the total number of children in the home who are 5 years old or under shall not exceed more than 4 in the care of 1 adult.
 2. At all times, the total number of children in the home who are less than 1 year old, shall not exceed more than 2 in the care of 1 adult.
- B. A foster parent shall not care for more foster children than allowed and identified on the foster parent's license, and shall not exceed 5 foster children in addition to other children in the home.
- C. A foster parent shall abide by any terms or conditions placed on the foster parent's license when accepting a child for placement.

R6-5-5827. Placement Agreement

- A. For each child placed with a foster parent the foster parent shall have a written placement agreement meeting the requirements of subsection (B) with the foster child's placing agency.
- B. The placement agreement shall set forth the responsibilities of both the placing agency and the foster parent regarding:
1. Provision of services for the foster child, including medical care, dental care, mental health care, other social services or treatment, and transportation;
 2. Requirements for interaction with the foster child's birth family.
- C. If a foster parent does not receive a copy of a placement agreement at the time of placement, the foster parent shall obtain an agreement within 5 work days following the date of placement. If the placing agency refuses to provide an agreement, the foster parent shall notify the Licensing Authority.

R6-5-5828. Participation in Case Planning

- A. A foster parent is a member of the service team for a foster child in the care of the foster parent. The service team includes the case manager, the foster parent, the licensing agency representative, and persons providing services, such as attorneys, physicians, psychologists, therapists, Court Appointed Special Advocates, and school, law enforcement, and probation personnel.
- B. A foster parent shall participate as a team member by:
1. Attending team meetings when:
 - a. The foster parent receives reasonable advance notice of the date, time, and place of the meeting; and
 - b. The meetings are held at a time and place which is

accessible to the foster parent, and compatible with the foster parent's work schedule and child care schedule;

2. Participating in team meetings through alternative methods, which may include:
 - a. Telephonic conference calls;
 - b. Submission of oral comments; and
 - c. Expressing concerns and comments to other team members who will attend the meeting;
 3. Reporting to the team on the foster child's progress and problems;
 4. Assisting in development of the case plan; and
 5. Assisting in case plan reviews.
- C. A foster parent shall implement the case plan by:
1. Performing the tasks assigned to the foster parent in the case plan;
 2. Helping a foster child to attain any goals identified in the case plan;
 3. Assisting a foster child to obtain any services specified in the case plan; and
 4. Observing any limitations or conditions contained in the case plan.

R6-5-5829. Daily Care and Treatment of a Foster Child; Foster Child Rights

- A. Non-exploitation and equitable treatment
1. A foster parent shall not exploit a foster child or permit a child to be exploited.
 2. A foster parent shall permit a foster child to exercise the rights, freedoms, and responsibilities of family life in a manner that is comparable to those exercised by foster family members, subject to:
 - a. Reasonable and developmentally appropriate household rules; and
 - b. Restrictions prescribed in a foster child's case plan and foster care requirements.
 3. As used in this Section, "reasonable" means conduct which takes into account:
 - a. The foster family's physical environment;
 - b. The chores and responsibilities assigned to other household members;
 - c. The foster child's school schedule and educational needs; and
 - d. The foster child's social and recreational needs.
- B. Religious and ethnic heritage
1. A foster parent shall recognize, encourage, and support the religious beliefs, cultural and ethnic heritage, and language of a foster child and the child's birth family.
 2. A foster parent shall coordinate with the placing agency to provide opportunities for each foster child to participate in religious, cultural, and ethnic activities.
 3. A foster parent shall not directly or indirectly compel a foster child to participate in religious activities or cultural and ethnic events against the child's will or the wishes of the child's birth parent.
- C. Interaction with parents and birth family. A foster parent shall maintain a working relationship with a foster child's parent, birth family, and other significant persons, in accordance with the child's case plan and in cooperation with the placing agency staff.
- D. Food and nutrition
1. A foster parent shall provide a foster child with well-balanced daily meals and sufficient food to meet the child's nutritional needs.
 2. The foster parent shall provide for a foster child's special dietary needs as prescribed in the child's case plan, or the orders of a licensed medical practitioner.

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E. Education. A foster parent shall send a foster child to school and assist the child in obtaining other educational services as prescribed in the child's case plan.

F. Clothing

1. A foster parent shall provide a foster child with clean, seasonal clothing appropriate to the child's age, sex, size, and individual needs.
2. A foster parent shall permit a foster child to participate in making decisions about clothing choices to the extent developmentally appropriate for the child.

G. Funds

1. A foster parent shall use monies provided by the placing agency for designated purposes only.
2. A foster parent shall retain receipts to document the use of designated monies except monies designated for room and board.

R6-5-5830. Medical and Dental Care

- A.** A foster parent shall arrange for a foster child to have routine medical and dental care which shall include an annual medical exam, semi-annual dental exams, immunizations, and standard medical tests.
- B.** When a foster child is placed with a foster parent, the foster parent shall determine whether the child has had a comprehensive medical exam within the past 2 months and, for a child age 3 or older, a dental exam within the past 6 months.
- C.** If a foster child has not had the medical or dental exam, the foster parent shall schedule the child for an exam within 2 weeks after the foster child is placed with the foster parent.
- D.** As used in subsection (B), a comprehensive medical exam shall include:
1. Screening for communicable disease.
 2. Screening for vision and hearing.
 3. A general physical examination by a licensed physician.
 4. Provision of any routine immunizations or immunization boosters, and
 5. Tests appropriate for the child's age and history.

R6-5-5831. Child Care

- A.** A foster parent shall have a plan for supervision and care of a foster child placed with the foster parent.
- B.** The plan shall be consistent with the foster child's case plan and with the child's developmental, emotional, and physical needs and the needs of the foster parent.
- C.** A foster parent shall inform the placing agency and obtain approval for use of any person given the responsibility for care of a foster child, unless otherwise provided for in the child's case plan. The case plan may include the name of a specific child care agency or provider, and may give the foster parent discretion to allow the child to go on overnight visits with specifically named persons.

R6-5-5832. Transportation

- A.** A foster parent shall provide or arrange appropriate local transportation to meet the routine educational, medical, recreational, social, spiritual, and therapeutic needs of a foster child in accordance with the child's case plan or, if not specified in the case plan, as provided in the placement agreement.
- B.** A foster parent transporting foster children shall have a valid driver's license.
- C.** A foster parent shall provide for the safety of a foster child when the child is transported in a motor vehicle by:
1. Providing and using safety restraints appropriate to the age and weight of each child transported, and
 2. Prohibiting the number of persons in any vehicle from exceeding the number of available seats and seat belts in the vehicle.

R6-5-5833. Behavior Management; Discipline; Prohibitions

- A.** A foster parent shall set limits and rules for children in care. The foster parent shall tell the children about the foster parent's expectations regarding child behavior, including forbidden conduct, and the foster parent's methods for disciplining children who violate expectations, limitations, and rules.
1. A foster parent shall use discipline which is reasonable, developmentally appropriate, related to the infraction, and consistent with any guidelines in the child's case plan.
 2. A foster parent shall use disciplinary methods which help a foster child to build self-control, self-reliance, and self-esteem.
 3. A foster parent shall communicate rules, consequences, and disciplinary methods to a foster child in a manner appropriate to the child's age, developmental capacity, and ability to understand.
 4. A foster parent shall explain the foster parent's limits, rules, and expectations to any placing agency or person that places a child with the foster parent.
- B.** A foster parent shall not delegate the responsibility for imposing discipline on a foster child to any person other than an adult assigned responsibility for the foster child, as prescribed in R6-5-5831(C), and made known to the child. If a foster parent delegates supervisory responsibility to another person, the foster parent shall instruct the person in the foster home limits, rules, and expectations, disciplinary methods specific to the foster child, and the limitations prescribed in this Article.
- C.** A foster parent shall not punish or maltreat a foster child, and shall not allow any other person to do so. As used in this Section, "punishment or maltreatment" include, but are not limited to, the following actions:
1. Any type or threat of physical hitting or striking inflicted in any manner upon the body;
 2. Verbal abuse, including arbitrary threats of removal from the foster home;
 3. Disparaging remarks about a foster child or a foster child's birth family members or significant persons;
 4. Deprivation of meals, clothing, bedding, shelter, or sleep;
 5. Denial of visitation or communication with a foster child's birth family members and significant persons when such denial is inconsistent with the foster child's case plan;
 6. Cruel, severe, depraved, or humiliating actions;
 7. Locking a foster child in a room or confined area inside or outside of the foster home; and
 8. Requiring a foster child to remain silent or be isolated for unreasonable periods of time.

R6-5-5834. Notification of Foster Child Death, Illness, Accident, Unauthorized Absence, or Other Unusual Events

- A.** Within 2 hours after a foster child suffers any of the following events, a foster parent shall notify the child's placing agency:
1. Death;
 2. Serious illness or injury requiring hospitalization or emergency room treatment;
 3. Any non-accidental injury or sign of maltreatment;
 4. Unexplained absence;
 5. Severe psychiatric episode;
 6. Fire or other emergency requiring evacuation of the foster home;
 7. Removal of a foster child from the foster home by any person or agency other than the placing agency, or attempts at such removal; and
 8. Any other unusual circumstance or incident which might seriously affect the health, safety, or the physical or emotional well-being of a foster child.

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B. Within 48 hours of occurrence, a foster parent shall notify the placing agency of any other events likely to affect the well-being of a foster child in the foster parent's care, including the following circumstances:

1. Involvement of a foster child with law enforcement authorities;
2. Serious illness or death involving a member of the foster family's household or a significant person;
3. Change in foster family or household composition; and
4. Absence of 1 foster parent from a 2 parent household for more than 7 continuous days.

C. Within 24 hours of giving notice as prescribed in subsections (A) or (B) above, a foster parent shall send the placing agency and Licensing Authority a written report on the event. The report shall include the following information:

1. A description of the event, with the date and time of occurrence;
2. The names and telephone numbers of any persons involved in the event;
3. Any measures taken to address, correct, or resolve the event, including treatment obtained, and persons notified.

R6-5-5835. Notification of Events or Changes Involving the Foster Family or the Foster Home

A. A foster parent shall notify the licensing agency of any changes in the foster family's composition including, but not limited to the following events:

1. Marriage;
2. Divorce;
3. Addition of a new household member, including a temporary visitor expected to stay 1 month or longer; and
4. Death or departure of a current household member.

B. A foster parent shall notify the Licensing Authority of any substantial changes to the foster home, including:

1. Fire or emergency requiring evacuation of the foster home;
2. Moving to a new residence; and
3. Remodeling the foster home.

C. When a foster parent has advance knowledge of an event or change listed in subsections (A) or (B), the foster parent shall give reasonable advance notice of the anticipated event or change. Reasonable advance notice means notice which permits the licensing agency time to conduct an inspection, and the Licensing Authority time to issue an amended license, as prescribed in R6-5-5814, without disruption of a placement.

D. If the event or change is unexpected, a foster parent shall give notice as soon as the event occurs or change is known.

E. For events or persons not specifically listed in subsections (A) or (B), the foster parent shall give notice within 5 work days of the event or change.

R6-5-5836. Maintenance of a Foster Child's Records

A. A foster parent shall maintain records for each foster child placed with the foster parent in accordance with the placing agency's requirements and this Section.

B. The foster parent shall ensure that the records include at least the following:

1. Information on a foster child, the foster child's birth family, and any other significant persons in the foster child's life, if the placing agency has provided such information to the foster parent, as follows:
 - a. Name,
 - b. Address,
 - c. Telephone number, and
 - d. A description of the person's relationship to the child.

2. A record of the foster child's contacts with birth family members and other significant persons, including the person contacted, and the date and method of contact (visit, telephone call, or written communication);

3. Medical and health information provided by the placing agency;

4. A consent form or notice from the foster child's guardian authorizing the foster parent to obtain routine, nonsurgical medical care, and emergency medical and surgical treatment for the foster child;

5. A record of the medical and dental care provided to the foster child during the placement, including:

- a. Date of appointment;
- b. Description of any illness, injury, or health problem;
- c. Name, address, and telephone number of the medical practitioner who treated the child; and
- d. Resulting diagnosis and treatment, any prescribed medications, and any hospitalization;

6. Reports of any medical tests, information, or counseling received regarding routine, emergency, chronic, or handicapping conditions;

7. A copy of the child's current case plan;

8. Any progress notes the foster parent may record;

9. Notations or records of significant incidents, events, and activities;

10. Identification of any schools attended with dates of attendance, any school reports;

11. Memorabilia to help the foster child retain a memory of placement and a life record; the memorabilia may include photographs, diaries, journals, souvenirs, scrapbooks, and art projects;

12. Placement agreement with the placing agency;

13. A clothing inventory (clothing brought with the foster child at the time of placement) and a record of clothing purchased for the child during placement; and

14. At the time of the child's departure from the foster home, a description of the foster child's daily routine and personal preferences and habits such as favorite foods, fears, and bedtime routines.

C. A foster parent shall provide the record to the placing agency upon termination of the foster child's placement.

R6-5-5837. Confidentiality

A. A foster parent shall maintain the confidentiality of all personally identifiable information about a foster child and a foster child's birth family. A foster parent may release information when so authorized by a foster child's placing agency, and, in an emergency, when release is necessary to protect the health or safety of the child.

B. A foster parent shall safeguard a foster child's records in a manner that prevents loss, tampering, or unauthorized use.

R6-5-5838. Foster Home: General Requirements

A. The foster home parent shall:

1. Keep the foster home safe, in good repair, and sanitary, as described in R6-5-5804(C) through (E) and R6-5-5838 through R6-5-5846; and
2. Keep the outside area around the foster home free from objects, materials, and conditions which constitute a danger to the occupants.

B. If the foster parent accepts and provides care to a child with special physical needs, the foster parent shall equip the foster home with any equipment needed to accommodate the particular child's special needs.

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R6-5-5839. Foster Home: General Safety Measures

- A.** The foster home shall have a telephone or other mechanical device allowing 2-way communication with the outside community.
- B.** A foster parent shall safeguard all hazardous chemicals, cleaning materials, toxic substances, and hazardous materials, objects, and equipment.
- C.** A foster parent shall safeguard medical equipment and lock medications, except that the foster parent shall safeguard those medications that must be immediately and readily available for a family member or foster child.
- D.** When a foster home has a private source of water, the foster parent shall have evidence that a state or local health authority has approved the water as potable water.
- E.** The foster parent shall maintain the warm water in the foster home at a temperature that shall not exceed 120° F.
- F.** A foster parent shall store firearms and ammunition in locked storage which is inaccessible to children.
 - 1.** A firearm shall be trigger-locked or fully inoperable while in storage.
 - 2.** Ammunition shall be stored in a location separate from firearms.
- G.** A foster parent shall not maintain any animal that poses a danger to a foster child.
- H.** A foster parent shall provide evidence that dogs belonging to the foster family, or are routinely present on the foster home premises, have current vaccinations against rabies.

R6-5-5840. Exterior Environment; Play Area; Play Equipment

- A.** The foster parent shall keep the outside play areas clean and safe. The play area shall be fenced if there are conditions which may pose a danger to a child playing outside. The age and developmental abilities of the child are considerations for determining risk to the child.
- B.** The foster parent shall provide a variety of safe play equipment, toys, and supplies for each child. The age and developmental abilities of the child and standards in the community are considerations for determining the variety of play equipment, toys, and supplies required.

R6-5-5841. Swimming Pools and Pool Safety

- A.** A foster home's swimming pool shall meet the requirements of this Section and the "swimming pool/spa" and "swimming pool guidelines" Section in the Sanitation Inspection Guidelines published by the Department of Health Services (DHS) (January 1996) which are incorporated by reference. Copies of these Sections from the guidelines are available for inspection at the Arizona Secretary of State's Office, Public Services Department, 1700 West Washington, Phoenix, Arizona 85007, and for inspection and copying at the Department of Economic Security, Authority Library, 1789 West Washington, Phoenix, Arizona 85007, and the DHS, Office of Child Care Licensure, 1647 East Morten, Suite 230, Phoenix, Arizona 85020.
- B.** If the foster parent cares for a foster child who is age 5 or under, the swimming pool shall be fenced so that the pool is separated from the house or otherwise made inaccessible to a foster child.
- C.** A foster parent shall supervise a child who is in the swimming pool or surrounding area, in accordance with the child's age, capabilities, and developmental level.
- D.** A foster parent shall have at least 1 person currently certified in cardiopulmonary resuscitation (CPR) present in the foster home's swimming pool area when a foster child age 13 and under is swimming in the foster home swimming pool.

R6-5-5842. Bedrooms; Bedding; Sleeping Arrangements

A foster parent shall provide safe sleeping arrangements which accommodate the privacy needs of a foster child, as prescribed in this Section.

- 1.** The foster family and a foster child shall sleep in bedrooms. An unfinished attic, a basement area, or a space normally and primarily used for passageways and purposes other than sleeping are not bedrooms.
- 2.** A bedroom in the foster home shall have a finished ceiling, floor-to-ceiling permanently affixed walls, a door, finished flooring, light, ventilation, and a usable exit to the outdoors.
- 3.** A foster parent shall provide each foster child with a bed.
 - a.** The bed shall be appropriate to a child's age and needs.
 - b.** For the purpose of this Section, "bed" does not include a cot, couch, convertible couch, portable bed, sleeping bag or mat, except as approved by the Licensing Authority.
 - c.** No foster child shall sleep in a bunk bed of more than 2 tiers.
 - d.** A foster child under age 8 shall not sleep in the top bunk of a 2 tier bunk bed.
- 4.** A foster parent shall provide the following for each foster child:
 - a.** A sanitary mattress;
 - b.** A clean pillow;
 - c.** Clean bed linens;
 - d.** Blankets or covers, as appropriate to the weather;
 - e.** A waterproof protective mattress cover, as needed; and
 - f.** Furniture or shelving near the bed to store clothing and personal belongings.
- 5.** A foster parent shall not allow a foster child to share a bedroom with an adult except as specified in this subsection.
 - a.** A foster child under age 3 may share a bedroom with the foster parent.
 - b.** A foster child who is age 3 or older may share a bedroom with the foster parent when:
 - i.** The sleeping arrangement and the reason for it are described in a foster child's case plan; or
 - ii.** The foster child temporarily requires the foster parent's attention during sleeping hours.
 - c.** A foster child who has regularly shared a bedroom with another child in the foster home who has turned 18 may continue to share the bedroom with the child who has turned 18 unless the placing agency determines that the arrangement is contrary to the best interests of the foster child.
- 6.** A foster parent shall not allow a foster child who is age 6 or over to share a bedroom with a child of the opposite gender.
- 7.** Notwithstanding any other provision of this Section, a foster child who is a minor parent may share a room with her own child.

R6-5-5843. Bathrooms

- A.** A foster home shall have at least 1 toilet, 1 wash basin, and 1 bathtub or shower.
- B.** A foster parent shall maintain the foster home's toilets, wash basins, bathtubs, and showers in good working order.
- C.** A foster home bathroom shall have interior plumbing with both warm and cold water.

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R6-5-5844. Kitchen

- A. A foster home shall have a kitchen that is equipped for safe and sanitary preparation, serving, and storage of food.
- B. The kitchen shall have interior plumbing with both warm and cold water.
- C. The kitchen shall have an operable refrigerator, stove, and oven.

R6-5-5845. Fire Safety and Prevention

- A. The foster parent shall install and maintain at least 1, single-station smoke detector approved by a nationally recognized testing laboratory in the following areas of the foster home:
 - 1. On each floor in a multi-story dwelling.
 - 2. In each separate sleeping area.
- B. A foster parent shall install and maintain at least 1 ABC-type fire extinguisher on each floor of the foster home; except if the foster home is a manufactured home, the foster parent shall have at least 2 fire extinguishers placed at opposite ends of the home.
- C. A foster parent shall not use portable space heaters during sleeping hours.
- D. A foster home shall not rely on portable space heaters as the sole source of heat.

R6-5-5846. Emergencies, Exits, and Evacuation

- A. A foster parent shall have a plan for emergency evacuation of the foster home.
- B. All household members and persons who care for a foster child in the foster home shall be knowledgeable about the emergency and evacuation plans and procedures.
- C. Within 48 hours after a foster child is placed in a foster home, a foster parent shall give the foster child a developmentally appropriate explanation of the emergency and evacuation plan, and ensure that the foster child can follow the plan in the event of a fire or emergency.
- D. A foster home shall have the following exits:
 - 1. On each floor used by a foster child, 2 exits which are remote from one another;
 - 2. On each floor, at least 1 exit with a direct, unobstructed and safe means of travel to the outdoors, at street or ground level;
 - 3. A window serving as a 2nd exit only if:
 - a. It is accessible to children and care-givers.
 - b. It can be readily opened, and
 - c. It is of a size and design to permit a child or care-giver to pass through it; and
 - 4. On windows with security bars or devices, an emergency release mechanism maintained in good repair.

R6-5-5847. Special Provisions for a Receiving Foster Home

A foster parent who operates a receiving foster home shall comply with all foster home requirements, in addition to the following:

- 1. A receiving foster parent shall be prepared to accept a foster child, according to the capacity and terms of the foster home license, 24 hours per day, 7 days per week, unless the foster parent has made other arrangements with the placing and licensing agency.
- 2. A receiving foster parent may simultaneously provide receiving care, family foster care, and respite care so long as the total number of children in the foster home at any 1 time does not exceed the ratios prescribed in R6-5-5826 and the terms of the foster home license.

R6-5-5848. Special Provisions for a Respite Foster Home

- A. A foster parent who operates a respite foster home shall comply with all foster home requirements, except as provided in this Section.

- 1. A respite foster parent may simultaneously provide respite care, family foster care, and receiving care so long as the total number of children in the foster home at any 1 time does not exceed the ratios prescribed in R6-5-5826 and the terms of the foster home license.
 - 2. A respite foster parent may use sleeper sofas, rollaway beds, couches, cots, and sleeping bags or mats as acceptable sleeping accommodations for a child receiving respite care, provided the respite care does not exceed 6 consecutive days.
- B. A respite foster parent shall request and receive information and instruction from the regular foster home licensee on at least the following:
 - 1. Information and instruction about the specific personal care of a child in respite care;
 - 2. Information and instruction about the provision of medications required by a child in respite care;
 - 3. Behavior management policies and practices and specific instructions for a child in respite care; and
 - 4. Emergency contacts and telephone numbers for a child in respite care.

R6-5-5849. Special Provisions for an In-home Respite Foster Parent

- A. A person applying for licensure solely as an in-home respite foster parent shall comply with all foster home requirements except as otherwise provided in this Section.
- B. An in-home respite foster parent applicant shall comply with R6-5-5802 and R6-5-5823 except the applicant is not required to provide the following:
 - 1. Immunization records for each child in the applicant's household as required by R6-5-5802(B)(6) and R6-5-5823(5);
 - 2. Documentation of sufficient income as required by R6-5-5823(2);
 - 3. A statement explaining the child care arrangements the applicant would make for a foster child, or the applicant's own children, during the applicant's working hours as required by R6-5-5802(B)(10);
 - 4. A statement explaining how activities related to a business activity will not interfere with the care of a foster child as required by R6-5-5802(B)(11);
 - 5. A description of the applicant's home and neighborhood as required by R6-5-5802(B)(16);
 - 6. A statement authorizing the licensing agency or the Licensing Authority to arrange for DHS to conduct a health and safety inspection of the applicant's home as required by R6-5-5802(B)(23)(c).
 - 7. Household members are not required to submit to fingerprinting or a criminal history check as required by R6-5-5802(C) and R6-5-5823(3).
- C. The following rules do not apply to a person seeking licensure solely as an in-home respite foster parent:
 - 1. R6-5-5827. Placement Agreements;
 - 2. R6-5-5828. Participation in Case Planning, unless requested to do so;
 - 3. R6-5-5830. Medical and Dental Care;
 - 4. R6-5-5834. Notification of Foster Child Death, Illness, Accident, Unauthorized Absence, or Other Unusual Events, subsections (B)(3) and (4), unless the change or event directly affects the licensee's ability to provide respite care and comply with these rules;
 - 5. R6-5-5835. Notification of Events or Changes Involving the Foster Family or the Foster Home, subsection (A), unless the change or event directly affects the licensee's ability to provide respite care and comply with these

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rules, and subsection (B), except a fire or emergency requiring evacuation of the foster home;

6. R6-5-5836. Maintenance of a Foster Child's Records, except to document any behavioral incidents, medical care, provision of medication, and any other event or service required by the case plan or which may be requested by the regular foster parent while the in-home respite foster parent has responsibility for the foster child in care;
7. R6-5-5838. Foster Home: General Requirements;
8. R6-5-5839. Foster Home: General Safety Measures;
9. R6-5-5840. Exterior Environment; Play Area;
10. R6-5-5841. Swimming Pools, subsections (A) and (B);
11. R6-5-5842. Bedrooms; Bedding; Sleeping Arrangements;
12. R6-5-5843. Bathrooms;
13. R6-5-5844. Kitchen;
14. R6-5-5845. Fire Safety and Prevention, subsections (A) and (B); and
15. R6-5-5846. Emergencies, Exits, and Evacuation, subsections (A), (C), and (D).

D. An in-home respite foster parent shall request and receive information and instruction from the regular foster home licensee on at least the following:

1. The behavior management policies and practices of the home as required by R5-5-5833 and specific instructions which apply to a child in respite care;
2. Household policies and practices for emergency situations;
3. Routine household management practices which will provide for continuity in operation of the foster home for the comfort and support of a foster child in care.

E. An in-home foster parent shall not permit any unlicensed person to accompany or assist the in-home foster parent while providing respite care.

R6-5-5850. Special Provisions for a Professional Foster Home

A. A professional foster home shall comply with all foster home requirements except as otherwise provided in this Section.

B. A professional foster parent applicant shall provide to the licensing agency or the Licensing Authority documentation or demonstration of:

1. Verified, successful foster parenting experience; or
2. Verified experience working with or the ability to care for special care children.

C. A professional foster parent shall complete the following training:

1. At least 12 clock hours of pre-service training and 6 clock hours of ongoing training in addition to the requirements of R6-5-5825(A) and (B);
2. Training in cardiopulmonary resuscitation (CPR) and first aid; and
3. Pre-service training related to the type of care and services required by a child to be placed into the profes-

sional foster parent's care, which may include the following:

- a. Training in de-escalation and physical restraint practices; and
- b. Training in medical and health care issues, procedures, and techniques including:
 - i. The purpose, use, and administration of medications;
 - ii. Medication interactions; and
 - iii. Potential medication reactions.

D. Notwithstanding any other provisions of this Article, a professional foster home is subject to the licensing limitations in this subsection.

1. A professional foster home shall have no more than 2 special care foster children.

2. The licensing agency may recommend an exception to allow the professional foster parent to care for up to 5 special care foster children when the foster parent has demonstrated the ability to provide care for more than 2 special care children.

3. In deciding whether to recommend increased capacity as allowed by subsection (D)(2), the licensing agency shall assess the professional foster parent's motivation for fostering more than 2 special care children and whether the professional foster parent has demonstrated:

- a. Verified, successful professional foster parenting experience with 2 special care children including a review of any CPS reports;
- b. A minimum of 1 year of verified, successful work experience with special care children; or
- c. Verified specialized skills and training in the care of special care children.

4. The Licensing Authority shall evaluate the recommendation and determine whether to approve the exception.

E. Except when temporarily replaced by a respite care provider, a professional foster parent shall be available at all times to provide direct physical and specialized professional services as required by the foster child's case plan.

F. A professional foster parent shall use best efforts to participate as a member of the service team as prescribed in R6-5-5828(B), through at least 1 of the following methods:

1. Personal attendance at team meetings.
2. Telephonic conference calls.
3. Provision of a written report on a foster child's progress and problems including any recommendations for service.

G. A professional foster parent shall maintain at least a weekly record of a special care child's progress and problems, unless more frequent documentation is required, in addition to maintaining the records required by R6-5-5836.

H. Within the license renewal application, a professional foster parent shall include evidence of current CPR and first aid certification.

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 10. DEPARTMENT OF ECONOMIC SECURITY THE JOB OPPORTUNITIES AND BASIC SKILLS (JOBS) PROGRAM

PREAMBLE

1. **Sections Affected:** R6-10-201
Rulemaking Action: Amend
2. **The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 41-1954(A)(3) and 46-134(12)
Implementing statutes: A.R.S. §§ 41-2026 and 41-2027 and Laws 1994, Ch. 301, §§ 2 through 19
3. **The name and address of the agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Vista Thompson Brown, Legal Analyst
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
Laws 1994, Ch. 302, §§ 2 through 19 (the JOBSTART Bill) required the Department of Economic Security to establish a "full employment demonstration project" as part of a comprehensive welfare reform program. The demonstration project (JOBSTART) is operating in Pinal County in the cities of Eloy, Coolidge, and Casa Grande. JOBSTART allows individuals receiving AFDC and food stamps to work for public or private sector employers for minimum wage or above. The Department uses the recipients' AFDC and food stamp benefits to partially reimburse employers for wages paid to the employed recipients. The project is designed to determine the effects of diverting AFDC and food stamp benefits of project participants to employers who will pay project participants wages earned through employment, and to evaluate whether such a program will lead to self-sufficiency and elimination of welfare dependency.

The JOBSTART Bill requires the Department to adopt a comprehensive set of rules governing operation of the JOBSTART program. This proposed rule amendment expands the geographic scope of the demonstration project to include sites in Mesa, Arizona. The expansion is deemed essential to ensure sufficient participants for evaluation purposes.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.**
Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**
In addition to the 3 original communities within Pinal County, the Mesa area has been targeted for project expansion based on the size of its population. This expansion will provide a sufficient number of participants for project evaluation.

The proposed amendment to the JOBSTART rules will impact recipients of both AFDC and food stamps who live in the expanded project area. These recipients will be placed in subsidized employment and will benefit from the acquisition of skills, training, and expanded employment opportunities.

Businesses and employers in these communities may ultimately benefit from this project because of the availability of employees and subsidies with which to offset wages and other business operating expenses.

Taxpayers will ultimately benefit from the project due to an expected decrease in paid welfare benefits. There will be little or no increase in cost to taxpayers because monies otherwise paid in welfare benefits are used to reimburse employers who hire project participants.

Within the Department of Economic Security, both the JOBS Administration and the Family Assistance Administration (FAA) are incurring costs to implement and enforce the JOBSTART program. The Department will incur some additional costs to train staff in offices slated for expansion of JOBSTART. However, the Department will realize no significant costs in implementing the proposed expansion.

Notices of Proposed Rulemaking

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Vista Thompson Brown, Legal Analyst
 Address: Department of Economic Security
 P.O. Box 6123, Site Code 837A
 Phoenix, AZ 85005
 Telephone: (602) 542-6555
 Fax: (602) 542-6000

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons, may request an oral proceeding on the proposed rule:

The Department has not scheduled any oral proceedings on this rulemaking action. The Department will schedule oral proceedings on the proposed rule amendment or economic impact statement if 5 or more persons submit written requests for such proceedings to the person specified above no later than 5 p.m., August 9, 1996, which is the close of record date.

The Department of Economic Security (DES) follows and supports Title II of the Americans with Disabilities Act. The Department of Economic Security does not discriminate against persons with disabilities who wish to make oral or written comments on the proposed rulemaking or otherwise participate in the public comment process. Persons with disabilities who need accommodation (including auxiliary aids or services) to participate in the above-scheduled hearings may contact the coordinating program managers identified above, at least 72 hours before the scheduled hearing, to request accommodation. To request accommodation to participate in the public comment process or to obtain this notice in large print, Braille, or on audiotape, contact Vista Thompson Brown at (602) 542-6555, P.O. Box 6123, Site Code 837A, Phoenix, AZ 85005; TDD Relay (800) 367-8939.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules.

Not applicable.

10. Incorporation by reference and their locations in the rules:

None.

11. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 10. DEPARTMENT OF ECONOMIC SECURITY

THE JOB OPPORTUNITIES AND BASIC SKILLS (JOBS) PROGRAM

ARTICLE 2. JOBSTART

Section
 R6-10-201. Definitions

ARTICLE 2. JOBSTART

R6-10-201. Definitions

In addition to the definitions contained in R6-10-101 and A.A.C. R6-12-1302, the following definitions apply in this Article ~~unless the context otherwise requires.~~

1. No change.
2. "Designated geographic area" means the following towns and zip code areas: Coolidge, 85228; Eloy, 85231; and

Casa Grande, 85222, 85223, 85230; and Mesa, 85201, 85202, 85203, 85204, 85205, 85206, 85207, 85208, 85210, 85211, 85213, 85215, 85224, 85225, 85226, 85227, 85234, 85236, 85240, 85242, 85244, 85248, 85249, 85251, 85252, 85257, 85264, 85269, 85271, 85281, 85282, 85283, 85284, and 85287.

3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

CHAPTER 10. DEPARTMENT OF REVENUE

GENERAL ADMINISTRATION

PREAMBLE

1. Sections Affected

R15-10-302 R15-10-303	<u>Rulemaking Action</u> Amend Amend
--------------------------	--------------------------------------------
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 42-105
Implementing statute: A.R.S. § 42-137.02
3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name:	Christie Comanita
Address:	Tax Research & Analysis Section Department of Revenue 1600 West Monroe Phoenix, Arizona 85007
Telephone:	(602) 542-4672
Fax:	(602) 542-4860
4. An explanation of the rule, including the agency's reasons for initiating the rule:

In 1992, the Arizona Legislature enacted A.R.S. § 42-137.02 providing for the payment of tax by electronic funds transfer or other immediately available monies. The statute grants the Department of Revenue authority to require, by rule, the payment of any tax (except property and individual income tax) by electronic funds transfer if the taxpayer had a liability for such tax in the preceding tax year of \$20,000 or more. Initially, the Department was directed to require payment by electronic funds transfer, of withholding tax and corporate estimated income tax. The initial threshold for these taxes was an average quarterly withholding tax liability of \$100,000 or more in the prior tax year. The Department is authorized to prescribe, by rule, new taxpayers or threshold amounts. Taxpayers that do not meet the liability thresholds may voluntarily participate in the EFT program.

The Department lowered the tax liability thresholds to \$50,000 for withholding and corporate estimated income taxpayers in 1994. The proposed rule action amends the rules to lower the tax liability thresholds to \$20,000, effective January 1, 1997. The proposed amendments also provide for the addition of taxpayers who, pursuant to A.R.S. Title 42, Chapters 8, 8.1, 8.2, 8.3, 9.1., and 9.2, had an annual tax liability during the prior year of \$1 million or more to the requirement of remitting payment by an authorized means of transmission, effective July 1, 1997.
5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.
6. The preliminary summary of the economic, small business, and consumer impact:

Identification of the Rulemaking:
The rules lower the tax liability thresholds for required and voluntary payment of taxes by means of electronic funds transfer. The rules also add taxpayers subject to tax pursuant to Title 42, Chapters 8, 8.1, 8.2, 8.3, 9.1, and 9.2, to the requirement for payment through electronic funds transfer.

Summary of Information in the Economic, Small Business, and Consumer Impact Statement:
Data used in preparation of the economic, small business, and consumer impact statement includes figures based on current EFT filers and the projected increase in the number of filers due to the lowering of the liability threshold and the addition of transaction privilege tax filers. Benefits will accrue to the state general fund. Compliance by entities not already required to remit by means of electronic funds transfer will necessitate a change in payment methods and may involve changes in processing and accounting systems. It is expected that the benefits of the rule will be greater than the costs.

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7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Christie Comanita, Tax Analyst
Address: Tax Research and Analysis Section
Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007
Telephone: (602) 542-4672
Fax: (602) 542-4860

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Oral proceedings at which members of the public may appear and make comments regarding the rules or the economic, small business, and consumer impact statement will occur as follows:

Date: August 13, 1996
Time: 9:30 a.m.
Address: Department of Revenue
1700 West Washington
Grand Canyon Room, Basement
Phoenix, Arizona
Nature: Public hearing

A person may submit written comments regarding the proposed rule by submitting the comments no later than 5 p.m., August 13, 1996, to the person listed above.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporations by reference and their location in the rules:

None.

11. The full text of the rules follows:

TITLE 15. REVENUE

**CHAPTER 10. DEPARTMENT OF REVENUE
GENERAL ADMINISTRATION**

ARTICLE 3. AUTHORIZED TRANSMISSION OF FUNDS

Section

R15-10-302. General Requirements

R15-10-303. Voluntary Participation

ARTICLE 3. AUTHORIZED TRANSMISSION OF FUNDS

R15-10-302. General Requirements

A. For tax periods beginning on or after January 1, 1993, the following taxpayers shall remit the following ~~specified~~ tax payments:

1. Taxpayers who, ~~under pursuant to~~ A.R.S. Title 43, Chapter 4, had an average Arizona quarterly withholding tax liability during the prior tax year of \$100,000 or more shall remit Arizona withholding tax payments by an authorized means of transmission; ~~or~~
2. Corporations which had an Arizona income tax liability during the prior tax year of \$100,000 or more shall remit Arizona estimated income tax payments by an authorized means of transmission.

B. For tax periods beginning on or after January 1, 1994, the following taxpayers shall remit the following ~~specified~~ tax payments:

1. Taxpayers who, ~~under pursuant to~~ A.R.S. Title 43, Chapter 4, had an average Arizona quarterly withholding tax liability during the prior tax year of \$50,000 or more shall remit Arizona withholding tax payments by an authorized means of transmission; ~~or~~
2. Corporations which had an Arizona income tax liability during the prior tax year of \$50,000 or more shall remit Arizona estimated income tax payments by an authorized means of transmission.

C. ~~The average Arizona quarterly withholding tax liability shall be determined by dividing the taxpayer's total Arizona withholding tax liability for the calendar year by four. For tax periods beginning on or after January 1, 1997, the following taxpayers shall remit the following tax payments:~~

1. Taxpayers who, under A.R.S. Title 43, Chapter 4, had an average Arizona quarterly withholding tax liability during the prior tax year of \$20,000 or more shall remit withholding tax payments by an authorized means of transmission;
2. Corporations which had an Arizona income tax liability during the prior tax year of \$20,000 or more shall remit Arizona estimated income tax payments by an authorized means of transmission.

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- D.** The average Arizona quarterly withholding tax liability ~~is shall~~ be determined by dividing the taxpayer's total Arizona withholding tax liability for the calendar year by 4.
- E.** For tax periods beginning on or after July 1, 1997, taxpayers who, under A.R.S. Title 42, Chapters 8, 8.1, 8.2, 8.3, 9.1, and 9.2 had an annual tax liability during the prior calendar year of \$1 million or more shall remit these tax payments by an authorized means of transmission.

R15-10-303. Voluntary Participation

- A.** For tax periods beginning on or after January 1, 1993, a taxpayer who, during the prior tax year, had a corporate income tax liability or an average quarterly withholding tax liability of less than \$100,000 may elect to participate in the Program by submitting to the Department ~~an a-completed~~ electronic funds transfer authorization agreement that complies with as required by R15-10-304.
- B.** For tax periods beginning on or after January 1, 1994, a taxpayer who, during the tax year, had a corporate income tax liability or an average quarterly withholding tax liability of less than \$50,000 may elect to participate in the Program by submitting to the Department ~~an a-completed~~ electronic funds

transfer authorization agreement that complies with as required by R15-10-304.

- C.** ~~A taxpayer authorized to participate in the Program shall provide at least 30 days prior notice to the Department if the taxpayer elects to cease voluntary participation in the Program. For tax periods beginning on or after January 1, 1997, a taxpayer who, during the prior tax year, had a corporate income tax liability or an average quarterly withholding tax liability of less than \$20,000 may elect to participate in the Program by submitting to the Department an electronic funds transfer authorization agreement that complies with by R15-10-304.~~
- D.** For tax periods beginning on or after July 1, 1997, a taxpayer who, under A.R.S. Title 42, Chapters 8, 8.1, 8.2, 8.3, 9.1, and 9.2 had an annual tax liability during the prior calendar year, of less than \$1 million may elect to participate in the Program by submitting to the Department an electronic funds transfer authorization agreement that complies with R15-10-304.
- E.** A taxpayer authorized to participate in the Program shall provide at least 30 days prior written notice to the Department if the taxpayer elects to cease voluntary participation in the Program.

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

- | | |
|-------------------------------------------------|------------------------------------------------|
| 1. <u>Sections Affected</u>
R19-2-125 | <u>Rulemaking Action</u>
New Section |
|-------------------------------------------------|------------------------------------------------|
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 5-104(A)(2) and 5-104(T)
Implementing statutes: A.R.S. §§ 5-113(G) and 5-114(D)
- 3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: William J. Walsh
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177
- 4. An explanation of the rule, including the agency's reasons for initiating the rule:**
The rule covers eligibility, application forms, due dates, fees, disqualification, eligible races, distribution of the awards, and the appeals process of decisions made. It establishes the basis for distribution of stallion awards mandated by statute.
- 5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
None.
- 6. The preliminary summary of the economic, small business, and consumer impact:**
The distributed funds will support the growing thoroughbred and quarter horse industry in Arizona. The stallion award fund will encourage stallion owners from other jurisdictions to relocate to Arizona, thereby elevating the value of thoroughbred and quarter horse breeding farms in the state.

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7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: William J. Walsh
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone: (602) 542-5151
Fax: (602) 542-5177

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings are scheduled. Contact William J. Walsh in writing to request 1. At least 5 requests need to be submitted within the 30 days following publication of the proposed rulemaking in order to schedule an oral proceeding.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None.

10. Incorporations by reference and their location in the rules:
Not applicable.

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 1. HORSE RACING

Section
R19-2-125. Arizona Stallion Awards

ARTICLE 1. HORSE RACING

R19-2-125. ARIZONA STALLION AWARDS

A. Definitions

1. "Arizona stallion" means an uncastrated, adult male horse that stands the entire breeding season in Arizona.
2. "Breeding year" means the period beginning January 1 and ending July 31.
3. "Fiscal year" means the period beginning July 1 and ending June 30.
4. "Owner" means the person who possesses the stallion at the time of the person's certification application for the fiscal year, according to the records of the Department.

B. Owner and lessee eligibility. For an owner or the lessee of an Arizona stallion to be eligible for an award of funds for a fiscal year:

1. The owner or lessee shall:
 - a. Apply for stallion certification by the due date set by the breeders association for complying with the requirement in subsection (D).
 - b. Submit the breeder report required in subsection (E); and
 - c. Comply with subsection (F) if applicable.
2. In the event of death or the retirement of a stallion, the owner or lessee remains eligible for awards if the requirements in subsection (D) are followed.
3. The stallion shall be certified at the time its eligible Arizona-bred offspring earn purse money in races listed in subsection (H).

C. Qualifications for Arizona stallion certification. To qualify for Arizona stallion certification for the fiscal year, an owner or lessee shall:

1. Permanently domicile the stallion in Arizona from January 1 through July 31. During this time, the owner or

lessee may move the stallion outside of Arizona for racing or for medical treatment;

2. Register the stallion with the Arizona breed registry that corresponds to the stallion's national breed registry; and
3. Notify the appropriate Arizona breed registry within 10 days of the stallion entering or leaving Arizona during the breeding year.

D. Application procedure for stallion certification

1. By the due date set by the appropriate Arizona breeders association, and approved by the Commission in accordance with subsection (2)(b), an owner or lessee may apply for Arizona stallion certification for the fiscal year. The owner or lessee shall:
 - a. File an official application form with the Arizona breeders' association for each stallion owned or leased; and
 - b. Pay a certification fee for each stallion when the application form is filed.
2. The Arizona breeders association shall:
 - a. Forward a legible copy of the completed application to the Department;
 - b. Set an application due date and reasonable certification fee, if these actions are authorized by the Commission in a contract permitted under A.R.S. § 5-114(D).
3. The Commission shall review and approve or reject each contract for stallion certification.

E. Breeding report

1. A quarter horse stallion owner or lessee shall submit a legible copy of the annual "Stallion Breeding Report" to the breeders association monitoring quarter horse stallions by November 30 of the current breeding year.
2. Except as provided in subsection (F), a thoroughbred stallion owner or lessee shall submit a legible copy of the annual "Report of Mares Bred" to the breeders association monitoring thoroughbred stallions by August 1 of the current breeding year.

F. Thoroughbred stallion bred to quarter horse mares

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1. If a thoroughbred stallion is being bred to quarter horse mares, an owner or lessee shall send the application, fees, and breeding report required in subsections (D) and (E)(1) to the breeders association monitoring quarter horse stallions.
 2. If a thoroughbred stallion is being bred to thoroughbred and quarter horse mares, an owner or lessee shall send the application, fees, and breeding reports required in subsections (D) and (E) to both of the Arizona breeders associations.
- G. Disqualification and Reinstatement**
1. If a stallion owner or lessee fails to comply with applicable requirements in subsections (B), (C), (D), (E), and (F), the Department shall disqualify the owner or lessee from receiving an award of fund monies during the affected fiscal year.
 2. To reinstate eligibility for subsequent years, the owner or lessee shall pay the certification fee prescribed in subsection (D)(1)(b) and comply with applicable requirements in subsections (B), (C), (D), (E), and (F).
- H. Award races. Except for maiden claiming and maiden allowance races at Arizona racetracks, the following are eligible races:**
1. Quarter horses:
 - a. All races with a purse value of \$10,000 or more;
 - b. All allowance races;
 - c. At the Turf Paradise meet, all claiming races with a claiming price of \$3,500 or more; and,
 - d. At other Arizona racetracks, all claiming races with a claiming price of \$2,500 or more.
 2. Thoroughbreds:
 - a. The Prescott Futurity, the Prescott Derby, and all races with a purse value of \$15,000 or more;
 - b. The Inaugural, the Mile High, and all allowance races;
 - c. At the Turf Paradise meet, all claiming races with a claiming price of \$6,000 or more; and,
 - d. At other Arizona racetracks, all claiming races with a claiming price of \$3,500 or more.
- I. Fund distribution procedures**
1. The Arizona breeders associations shall submit to the Department, at least annually, a written report that contains the following information:
 - a. The names of certified Arizona stallions for the fiscal year;
 - b. The names of certified Arizona-bred offspring of the Arizona stallions. Arizona-bred horses may be certified by following the procedures prescribed in R19-2-116(A) and (B);
 - c. The 1st, 2nd, and 3rd place finishes of each certified Arizona-bred horse, sired by a certified Arizona stallion, in each eligible race; and,
 - d. The earnings in each race of each Arizona-bred horse sired by a certified Arizona stallion.
- 2. The Department shall:**
- a. Hold 10% of the monies accumulated prior to the 1996-97 fiscal year for contingent liabilities;
 - b. Calculate a payment factor at the end of each fiscal year by dividing the total monies available, under subsections (I)(2)(d), (e), (f), or (g), by the total dollar value of purses, not to exceed \$30,000 per horse per race, won in eligible races during the fiscal year;
 - c. Multiply the payment factor by the total purse amount won in eligible races during the fiscal year;
 - d. Distribute to eligible owners or lessees 40% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1996-97 fiscal year;
 - e. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1997-98 fiscal year;
 - f. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1998-99 fiscal year; and,
 - g. Distribute to eligible owners or lessees the amount earned by the fund during the fiscal year for the years after the 1998-99 fiscal year.
- 3. The owner or lessee shall designate, on a form provided by the Department, the single payee to whom Arizona stallion award checks shall be issued when there is more than one owner of a stallion.**
- J. Appeal of Director's rulings**
1. The Director shall make the final decision concerning a stallion award.
 2. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
 3. After service of the Director's decision, an aggrieved party may file a written request for a hearing, under R19-2-124.

NOTICE OF PROPOSED RULEMAKING

TITLE 19: ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

PREAMBLE

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1. Sections Affected
R19-3-323
R19-3-324
R19-3-325 | <u>Rulemaking Action</u>
New Section
New Section
New Section |
| 2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific): authorizing statute:</u>
Implementing statute: A.R.S. § 5-504(B).
Authorizing statute: A.R.S. § 5-504(B). | |

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3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sandy Williams, Executive Director
Address: Arizona State Lottery Commission
4740 East University
Phoenix, Arizona 85034
Telephone: (602) 921-4400

4. An explanation of the rules, including the agency's reasons for initiating the rules:

R19-3-323, R19-3-324, and R19-3-325 set forth provisions unique to the conduct of the Arizona Lottery's instant games. The provisions of these rules are necessary to implement the requirements of A.R.S. § 5-504(B) which have not been specified generically in R19-3-301. The unique provisions described in these rules are the nature and location of play symbols, the ticket number, the validation code, the prize denominations, and the method of selecting a winning ticket.

5. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

6. The summary of the economic, small business, and consumer impact:

These games will provide our players with a larger variety of instant games with a potential increase in sales. The only impact these rules has upon Lottery retailers is to specify how they determine if a ticket is a winning ticket and, if so, the prize amount.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sandy Williams, Executive Director
Address: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona 85034
Telephone: (602) 921-4400

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Date: August 16, 1996
Time: 10 a.m.
Location: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona
Nature: Oral Proceeding

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Close of the record is 5 p.m., August 15, 1996, for written comments, and at the close of the oral proceeding for verbal comments.

10. Incorporations by reference and their location in the rules:

None.

11. The full text of the rules follows:

TITLE 19: ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3: ARIZONA STATE LOTTERY COMMISSION

ARTICLE 3. INSTANT LOTTERY GAMES

Section	
R19-3-323.	"Break the Bank"
R19-3-324.	"Beat the Dealer"
R19-3-324.	"Lucky Pair"

ARTICLE 3. INSTANT LOTTERY GAMES

R19-3-323. "Break the Bank"

A. Six play symbols, which are contiguous to each other in 2 rows, appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: \$1, \$2, \$5, \$10, \$20, \$50, \$100, or \$1,000 with confirm-

ing captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbols	Caption
\$1	ONEDOL
\$2	TWODOL
\$5	FIVEDOL
\$10	TENDOL
\$20	TWYDOL
\$50	FTYDOL
\$100	ONEHUND
\$1,000	ONETHOU

B. The retailer validation code verifies instant winners of \$1, \$2, \$5, \$10, \$20, \$50, and \$100. The retailer validation code which corresponds with and verifies each of these winners is as follows:

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ONE	=	\$1	TWY	=	\$20
TWO	=	\$2	FFY	=	\$50
FIV	=	\$5	ONH	=	\$100
TEN	=	\$10			

C. A pack ticket number beginning with "100001" is located in the lower-left portion on the back of the ticket.

D. A prize winner in the "Break the Bank" instant game is determined by removing the latex from the play area on the front of the ticket to determine the play symbols. Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket owner matches three identical play symbols, the player wins that amount. The prizes are as follows:

Match three:	\$1	=	\$1 (one dollar) or
Match three:	\$2	=	\$2 (two dollars) or
Match three:	\$5	=	\$5 (five dollars) or
Match three:	\$10	=	\$10 (ten dollars) or
Match three:	\$20	=	\$20 (twenty dollars) or
Match three:	\$50	=	\$50 (fifty dollars) or
Match three:	\$100	=	\$100 (one hundred dollars) or
Match three:	\$1,000	=	\$1,000 (one-thousand dollars)

R19-3-324. "Beat the Dealer"

A. Five play symbols in two horizontal rows appear under the latex in the play area located on the lower center portion of the ticket with "YOUR CARDS" printed above, and are 1 of the following play symbols and corresponding captions:



B. One winning number symbol appears on the upper-right portion of the play area with "DEALER'S CARD" printed above and is one of the following play symbols and corresponding captions:



C. A pack-ticket number beginning with "200001" is located in the lower left portion on the back of the ticket.

D. The word "PRIZE" appears under each play symbol labeled "YOUR CARDS". Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$1	ONEDOL
\$2	TWODOL
\$4	FORDOL
\$5	FIVEDOL
\$20	TWYDOL
\$50	FTYDOL
\$100	ONEHUND
\$500	FIVHUND
\$1,000	ONETHOU
\$21,000	TWNTHOU
JOKER	JOKER

E. The retailer validation code verifies instant winners of \$2, \$4, \$10, \$20, \$50, \$100, \$250, or \$500. The retailer validation code which corresponds with and verifies each of these winners is as follows:

\$2	=	TWO	\$50	=	FFY
\$4	=	FOR	\$100	=	ONH
\$10	=	TEN	\$250	=	THF

\$20	=	TWY	\$500	=	FHN
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F. A prize winner in the "Beat the Dealer" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 10 play symbols under the latex labeled "YOUR CARDS", and the play symbol under the latex labeled "DEALER'S CARD". Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the player's "YOUR CARDS" play symbol beats the "DEALER'S CARD" play symbol, the player wins the prize amount directly under the winning play symbol. If a "JOKER" appears in one of the "YOUR CARDS" play symbols, the player automatically wins double the amount indicated in the corresponding "PRIZE" box. There may be 10 chances to win on a ticket. The prizes are as follows:

\$2	=	\$2 (two dollars) or
\$1 + JOKER	=	\$2 (two dollars) or
\$1 + \$1 + \$1 + \$1	=	\$4 (four dollars) or
\$2 + JOKER	=	\$4 (four dollars) or
\$2 + \$2 + \$2 + \$2 + \$2	=	\$10 (ten dollars) or
\$1 + \$1 + \$1 + \$1 + \$1 + \$1	=	\$10 (ten dollars) or
\$1 + \$1 + \$1 + \$1 + \$1	=	\$10 (ten dollars) or
\$2 + JOKER + \$1 + \$1 + \$1 + \$1 + \$1	=	\$10 (ten dollars) or
\$2 + \$2 + \$2 + \$2 + \$2 + \$2 + \$2 + \$2 + \$2 + \$2	=	\$20 (twenty dollars) or
\$5 + JOKER + \$2 + \$2 + \$2 + \$2 + \$2 + \$2	=	\$20 (twenty dollars) or
\$4 + \$4 + \$4 + \$4 + \$4 + \$4 + \$4 + \$4 + \$4 + \$4	=	\$20 (twenty dollars) or
\$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$5	=	\$50 (fifty dollars) or
\$20 + \$20 + \$20 + \$20 + \$20 + \$20 + \$20 + \$20 + \$20 + \$20	=	\$100 (one hundred dollars) or
\$50 + \$50	=	\$100 (one hundred dollars) or
\$50 + JOKER	=	\$100 (one hundred dollars) or
\$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50	=	\$250 (two-hundred fifty dollars) or
\$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50 + \$50	=	\$500 (five hundred dollars) or
\$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100 + \$100	=	\$500 (five hundred dollars) or
\$500	=	\$500 (five hundred dollars) or
\$500 + \$500	=	\$1,000 (one-thousand dollars) or
\$500 + JOKER	=	\$1,000 (one-thousand dollars) or

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<u>\$1,000</u>	=	<u>\$1,000</u> (one-thousand dollars) or
<u>\$21,000</u>	=	<u>\$21,000</u> (twenty-one thousand dollars)

R19-3-325. "Lucky Pair"

- A.** Four pairs of 2 play symbols, which are in a horizontal row, appear under the latex in the play area located on the lower portion of the ticket. The 1st pair has "HAND 1" printed above, the 2nd pair has "HAND 2" printed above, the 3rd pair has "HAND 3" printed above, and the 4th pair has "HAND 4" printed above. Play symbol captions correspond with and verify each of the play symbols as follows:



- B.** Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
<u>\$1</u>	<u>ONEDOL</u>
<u>\$2</u>	<u>TWODOL</u>
<u>\$3</u>	<u>THRDOL</u>
<u>\$5</u>	<u>FIVEDOL</u>
<u>\$10</u>	<u>TENDOL</u>
<u>\$50</u>	<u>FTYDOL</u>
<u>\$100</u>	<u>ONEHUND</u>
<u>\$5,000</u>	<u>FIVTHOU</u>

- C.** A pack-ticket number beginning with 300001 is located in the lower-left portion on the back of the ticket.

- D.** The retailer validation code verifies instant winners of \$1, \$2, \$4, \$5, \$10, \$20, \$50, and \$100. The retailer validation code which corresponds with and verifies each of these winners is as follows:

<u>ONE</u>	=	<u>\$1</u>	<u>TEN</u>	=	<u>\$10</u>
<u>TWO</u>	=	<u>\$2</u>	<u>TWY</u>	=	<u>\$20</u>
<u>FOR</u>	=	<u>\$4</u>	<u>FFY</u>	=	<u>\$50</u>
<u>FIV</u>	=	<u>\$5</u>	<u>ONH</u>	=	<u>\$100</u>

- E.** A prize winner in the "LUCKY PAIRS" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 2 play symbols in "HAND 1", the two play symbols in "HAND 2", the 2 play symbols in "HAND 3", and the 2 play symbols in "HAND 4". Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket holder uncovers two matching play symbols in either "HAND 1", "HAND 2", "HAND 3", or "HAND 4", the player wins the corresponding prize shown. There may be 4 winning hands on a ticket. The prizes are as follows:

<u>\$1</u>	=	<u>\$1 (one dollar) or</u>
<u>\$1 + \$1</u>	=	<u>\$2 (two dollars) or</u>
<u>\$2</u>	=	<u>\$2 (two dollars) or</u>
<u>\$1 + \$1 + \$1 + \$1</u>	=	<u>\$4 (four dollars) or</u>
<u>\$1 + \$2 + \$2</u>	=	<u>\$5 (five dollars) or</u>
<u>\$3 + \$2</u>	=	<u>\$5 (five dollars) or</u>
<u>\$5 + \$5</u>	=	<u>\$10 (ten dollars) or</u>
<u>\$5 + \$2 + \$2 + \$1</u>	=	<u>\$10 (ten dollars) or</u>
<u>\$10 + \$5 + \$5</u>	=	<u>\$20 (twenty dollars) or</u>
<u>\$10 + \$5 + \$3 + \$2</u>	=	<u>\$20 (twenty dollars) or</u>
<u>\$50</u>	=	<u>\$50 (fifty dollars) or</u>
<u>\$100</u>	=	<u>\$100 (one hundred dollars) or</u>
<u>\$5,000</u>	=	<u>\$5,000 (five thousand dollars)</u>